MEMORANDUM

TO: The Honorable Marvin T. Miura, Director
Office of Environmental Quality Control

FROM: William W. Paty, Chairperson
Board of Land and Natural Resources

SUBJECT: DOCUMENT FOR PUBLICATION IN THE OEQC BULLETIN - ENVIRONMENTAL ASSESSMENT FOR CONSERVATION DISTRICT USE APPLICATION KA-2366 for a Single Family Residence and the removal of an existing fire-damaged shed at Haena, Kauai. TK#: (4) 5-9-2: 48

The above mentioned Chapter 343 Document was reviewed and a negative declaration was declared based upon the environmental assessment provided with the CDUA.

Please feel free to call me or Cathy Tilton of our Office of Conservation and Environmental Affairs, at 548-7837, if you have any questions.

WILLIAM W. PATY
STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII  96809

DEPARTMENT MASTER APPLICATION FORM

(Print or Type)

I. LANDOWNER/WATER SOURCE OWNER
   (If State land, to be filled in by Government Agency in control of property)
   Name    Joe & Marti Paskal
   Address  PO Box 1487
            Hanalei, HI  96714
   Telephone No.  808-826-1491
   Telephone No.  213-278-4668
   Signature  
   Date       December 12, 1989

II. APPLICANT (Water Use, omit if applicant is Landowner)
   Name    Tim Star
   Address  PO Box 612
            Kilauea, Hi.  96754
   Telephone No.  808-828-1280
   Interest in Property  Working as the architectural draftsman
   (Indicate interest in property; submit written evidence of this interest)
   *Signature  Tim Star
   Date       December 12, 1989

III. TYPE OF PERMIT(S) APPLYING FOR
   ( ) A. State Lands
   (X) B. Conservation District Use
   ( ) C. Withdraw Water From A Ground Water Control Area
   ( ) D. Supply Water From A Ground Water Control Area
   ( ) E. Well Drilling/Modification

IV. WELL OR LAND PARCEL LOCATION REQUESTED
   District  Fourth
   Island   Kauai
   County   Kauai
   Tax Map Key  Div 4, Zone 5, Seco 9,
   Plat 002, Parcel 048
   Area of Parcel  69,707 sq ft
   (Indicate in acres or sq. ft.)
   Term (if lease)  N/A

- 1 -
ENVIRONMENTAL ASSESSMENT/DETERMINATION

OWNER: Joe and Marti Paskal  
PO Box 1487  
Haleiwa, HI 96714

APPLICANT: Tim Star  
PO Box 612  
Kilauea, HI 96754

LOCATION: Situated at Haena, Island of Kauai, State of Hawaii, containing 67,707 sq ft, more or less, further identified as TMK: 4-5-9-002-048, Lot 30.

REQUEST: State Conservation District Use Application (CDUA), County Special Management Area Use Permit for removal of existing fire damaged building and construction of a single family residence and entry gate.

APPROVING AGENCY: Department of Land and Natural Resources

AGENCIES CONSULTED: Kauai Planning Dept., Water Dept., and Public Works Dept.

I. PROPOSED ACTION

The owner proposes to: 1) Remove existing 500 sq ft fire damaged house and shed 2) Construct a 3450 sq ft residence. 3) Construct a 12 foot wide entrance and privacy gate. 4) Plant Thesetia peruviana (Be-still) plants along south property line and after a mature enough hedge has grown, remove existing rusty wire fence.

II. TECHNICAL CHARACTERISTICS

a) Except for 500 sq ft shack in Northeast corner (see photographs), the lot is vacant and grassed, with 3 large ironwood trees on embankment above the dry creek/wash.
b) The lot slopes very gently inland from this natural beach/berm from about 17 ft above MSL to less than 14 ft at Northwest corner of lot. This is less than 1% slope across building site which the Public Works Dept. surveyed at between 14.46' and 1580' above MSL.
c) Any excavation on and around building site should not adversely impact the existing drainage pattern of the lot in any manner as the shoreline area is the highest portion of the lot.
d) The 500 sq ft shack is a complete fire loss but the remaining structural framing members need to be removed immediately as it now poses a dangerous attraction for the children in the area.
e) Utilizing the County's Cultural Sensitivity Maps, the entire Haena area is designated as having a moderate degree of sensitivity. However, no specific sites of historical or archeological significance are located on the subject property. If, during construction of the residence such sites are discovered, the State Historical Officer and a qualified archaeologist will be contacted, and work will be halted until a determination and appropriate course of action is established.

f) The proposed gate is needed to keep the numerous people using the beach and beach access from parking on easement road D-2 and actually blocking access to the subject property and to adjacent Lot 29 (Both of which are owned by Marti and Joe Paskal).

g) Of the 10 lots within this subdivision, 8 already have existing homes. Only 1 of these, the 'old Taylor' house on the adjacent lot to the north is an immediate visible neighbor to this property. The natural stone foundation, wide overhangs and decks of the proposed home should compliment those of it's neighbor and be compatible to the designs of other residences in the area.

III. ECONOMIC CHARACTERISTICS

The construction of this residence would not generate any significant beneficial or adverse economic effects, other than create short-term employment benefits during the course of construction. The County's real property tax base will be benefited slightly in that the proposed project will generate additional tax revenues.

IV. SOCIAL CHARACTERISTICS

No social impacts are anticipated from this project.

V. ENVIRONMENTAL CHARACTERISTICS

Relative to the proposed residence, it is anticipated that no significant adverse environmental impacts will be generated since it will comply to the flood zone requirements and will meet the North Shore height limit of no more than 15 ft above Base Flood Elevation. The residence itself is setback 105 feet from the drywash/embankment and over 200 ft from the shoreline at its closest point, well within compliance with the shoreline setback law. Building setbacks, septic tank requirements and all other agency rules and regulations will be complied with.
VI. SUMMARY DESCRIPTION OF AFFECTED ENVIRONMENT

Relative to the residence, no significant adverse technical, economic, social or environmental impacts are anticipated. The design of the house will be visually compatible with other residences in the neighborhood. A roadway to the property already exists; utilities to the site are available; mature vegetation will not be removed; septic system, flood zone, shoreline setback, building setback and building height requirements will all be complied with.

VII. IDENTIFICATION AND SUMMARY OF MAJOR IMPACT(S) AND ALTERNATIVES CONSIDERED

We foresee no major environmental impacts after proposed home is completed.
1. During construction there will be a normal amount of fill dirt generated when the foundation and septic system are excavated.
   Alternatives-
   a) Haul fill dirt off-site
   b) Use on-site in a landscape berm
2. Burnt shell must be disposed of and site cleaned of debris.
   Alternatives-
   a) Tear down and haul to County Land Fill
   b) Tear down and obtain a permit to start a control burn fire on site.

VIII. MITIGATING MEASURES

Due to the solid waste disposal problems Kauai is experiencing, it would seem appropriate to use or dispose of as much construction waste on site as possible. So we would like to propose utilizing alternative (b) in both cases above.

IX. DETERMINATION

We anticipate no major environmental impacts from the proposed building of a single family residence on subject property. If appropriate methods for disposal of existing building debris and excavation fill are used, we foresee no problems during the actual construction period.
APPENDIX B

INFORMATION REQUIRED FOR ALL USES

I. DESCRIPTION OF PARCEL

A. General Description

B. EXISTING STRUCTURES/USE
There is one 500 sq ft partially burnt building on the north-east corner of lot. The vast majority of the lot is grassed with only a few large ironwood trees on the beach frontage.

C. EXISTING UTILITIES
Water, electric and telephone services are available to the site. Septic tanks will be used for sewage disposal. No direct drainage will flow to the ocean since the topography slopes inland due to the raised sand berm which fronts the shoreline.

D. EXISTING ACCESS
The lot is located at the end of a private unpaved 30 feet wide roadway, which services this lot and its northern neighbor, Lot 29. Ownership of the roadway belongs to all those owners of lots abutting this roadway. This roadway connects Kuhio Highway, which is approximately 300 feet away.

E. VEGETATION/FAUNA
Existing mature vegetation lies only on the dry creek and beach frontage and consists of large ironwood trees fronting the ocean. There are no known rare or endangered species of flora or fauna found on the property.

F. TOPOGRAPHY
The site is relatively flat, sloping inland from the beach berm fronting the dry creek bed. The berm at its highest point is approximately 17 feet above MSL, sloping inland to approximately 1/4 feet above MSL at its lowest point. The average slope is therefore less than 1/4.

G. DESCRIPTION OF SHORELINE
The beach is between 50 ft and 80 ft wide. A barrier reef fronts the beach and goes out approximately 1000 feet offshore at its nearest point, to 2000 feet at its farthest. A coral shelf is visible at the shoreline and is expected to run inland also under the sandy beach and berm fronting the site. The beach and reef are heavily used for recreational purposes, including swimming, snorkeling, windsurfing and surfing. The channel also serves as a rest stop for many of the zodiac/tour boat operations.
H. EXISTING COVENANTS, EASEMENTS, RESTRICTIONS
No covenants, easements or restrictions are attached to this property.

I. HISTORIC SITES AFFECTED
No historic or archaeological sites are known to be or are visible on the property, however, should any excavation for structures or buildings uncover historic artifacts, structures or human remains, all work will cease, the State Historic Preservation Officer will be contacted and a qualified archaeologist will be commissioned to review the find. The necessary salvaging or preservation steps recommended will be followed.

II. DESCRIPTION

A. SINGLE FAMILY RESIDENCE
The proposed house is approximately 3450 sq ft of floor area. The roof will not exceed 15 ft above the base flood elevation of 24 ft above MSL. This elevates the house 9'6" to 10'6" above grade. Residence has 4 bedrooms, an office, family room, living/dining area along with 5 baths and a kitchen. Exterior walls will be horizontal redwood siding and the ground floor walls will be faced the natural stone and used for parking.

B. GATE
The gate will be 12 ft wide and 4 ft high, built of verticle redwood. The native stone endwalls are 3 to 5 ft high and will compliment rockwork on house foundation.

C. EXISTING STRUCTURE
Propose to remove existing 500 sq ft, burned building and shed completely from property by method of controlled burn under Hamalei Fire Dept. Permit. Any debris such as concrete piers and windows will be completely removed and hauled away to the county landfill.

D. EXISTING FENCE
Propose to remove existing rusty wire fence between beach access road, D-1 and the subject property and establish a 6 to 8 ft hedge of Thetelia peruviana (Be-still).

III. COMMENCEMENT AND COMPLETION DATES
Construction is proposed to commence as soon as all required State and County permits are secured, hopefully by Oct or Nov, of 1990 and completion is expected by Sept or Oct of 1991.

IV. TYPE OF USE REQUESTED
Conditional Use in the Limited subzone.
Additional requested information

1. **County general plan:** Lot is zoned conservation land

2. **Nearest landmark/town:** Haena

3. **Names & addresses of adjacent owners:**
   - Lot #36  Glenn Frey
     2121 Ave of the Stars #1700
     Los Angeles, CA  90067
   - Lot #44  Pamela Yarish
     269-284 Grand Central Pk.
     Floral Park, NY  11005
   - Lot #45  William Asing
     PO Box 1643
     Lihue, HI
   - Lot #46  Chandler Donald
     17 Bonita Ave
     Piedmont, CA
   - Lot #48  Marti & Joe Paskal
     1135 Tower Rd
     Beverly Hills, CA  90210
   - Lot #50  Nan Guslander
     40 Kent Place
     Palo Alto, CA  94301
   - Lot #53  County of Kauai

4. **Flood zone:** Lot is in the tsunami zone but is not within any other flood zone according to the county's Public Works Dept maps.

5. **Utility Easement:** The Engineering Dept. verified the utility easement directly on the eastern boundary.

6. **Conditional Use within the Limited Subzone:** The proposed home and landscaping of tropical plants should be completely harmonious with the existing environment. A precedent has been established for using the property for a single family residence within this limited subzone as there are 8 homes already existing on the 10 lots within the original subdivision.
7. **Existing fire damaged building**: According to the State Assessors office the existing structure was built in 1944 and before the fire was valued at $1721.00.

According to Mark Soppeland, a long time local resident, the structure was originally built as a storage shed. Recently the shack became very dilapidated, fell into disuse and a separate 4' x 6' lockable storage shed was built. When I asked the Assessors Office when this was built they had no record of it and guessed that because it was considered a portable/temporary structure without footings or foundation.

The fire took place in August 1989, completely destroying the 50 year old shed and partially burning the smaller one. According to the Fire Dept the cause is unknown but they suspect some paint and gasoline cans they found stored under the old shed.
Amendment from a request for a conditional use to

REQUEST FOR: ON-CONFORMING USE IN THE NE SUBZONE

Property taxes for the lot and the structure have been paid in the past 30 years (totaling over $25,000), including the latest payment in 1989 (see attached assessors office records.) These payments were maintained with the clear intent of building a home on the property someday.

The proposed residence and landscaping should fit in well with the surrounding community. The owners have 6 children; 5 are grown and have their own families. The intended use of the house is exclusively as a vacation home for the extended family and it will never be available for rental purposes. The owners are aware of this and are prepared to add this non-rental clause to the deed restrictions.

With these factors in consideration plus the established precedent set by the existence of 8 homes on the surrounding 10 lots, we ask to be granted a non-conforming use permit to build in the limited subzone.
Dear Kathy,

Kauai Electric said they foresaw no problems with service hook-up to lot but it will take about 2 weeks for them to send me a signed service application form.

Thanks,
Jim.

P.S. I will send it to you as soon as I get back.

P.P.S. Written approval of septic system is coming also.

DNR
OCEA

30 May 21
8:30
STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

Request is made for information on the assessed value, the current year taxes, and delinquent taxes on the property of

Markiue Paskal 1135 Temple Rd, B-48

situated at Lot 48 off Tapi'e Treach He'eia Lau, and more particularly described as LOT NO. 48, BLOCK NO. 002, TRACT, AREA, of R.P.

L.C.A.W.

Tax keyed as:

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<th>ZONE</th>
<th>SECTION</th>
<th>PLAT</th>
<th>PARCEL</th>
<th>HPR</th>
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<td>5</td>
<td>9</td>
<td>002</td>
<td>048</td>
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This property, for the past six years, has been owned by the following person or persons:

19
19
19
Leased to

3/16/90

This certifies that the records of this division show the assessed values and taxes on the property designated by tax key shown above are as follows:

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<th>ASSESSED VALUE</th>
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<td>Improvements</td>
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<td>Total Value</td>
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<td>Less Exemption</td>
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<td>NET VALUE</td>
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CURRENT YEAR TAXES 1989-90

| 1st Installment (Delinquent after 3/31/90) | $2,162.34 |
| 2nd Installment (Delinquent after 6/30/90) | $2,162.33 |

Prior year Delinquent Taxes (see attached statement) NONE

Date 3/16/90

REAL PROPERTY TAX DIVISION

By KUIULEI HO

KUIULEI HO
### Residential Improvement Unit

#### 1. Topography
- **Level:** 0
- **Sloping:** 0
- **Gravel:**
- **Paved:**
- **Drainage:**
- **Side Walk:**

#### 2. St. Impvts
- **Water:**
- **Gas:**
- **Electric:**
- **Septic:**
- **Curb:**
- **Gutter:**
- **Sewer:**
- **Underground:**

#### 3. Utilities
- **Res:**
- **Comp:**
- **Ind:**
- **Agr:**
- **Inst:**

#### 4. Use
- **Lawn/Landscape:**
- **Walk Ways:**
- **Sprinklers:**
- **Swim/Pool:**
- **Shape:**

#### 5. Add'L. Impvts
- **Paved Areas:**
- **Terr/Patios:**
- **Ret Walls:**
- **Lawn/Landscape:**
- **Fences:**
- **Walk Ways:**
- **Sprinklers:**

### 10a. Computation of Land Value

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### 11. Bldg. Permit Record

### 10b. Computation of Improvement Value

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### 12. Depreciation

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<th>Age</th>
<th>Exp.</th>
<th>% Good</th>
<th>Adj. %</th>
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- **Add'l Det. Val.:**
- **Total Repl. Val.:**
- **% Good:**
- **Present Value:**
- **Add'l Det. Val.:**
- **Total Repl. Val.:**
- **% Good:**

### Remarks

- **St. Depth:**
- **Corner:**
- **Other:**

### Other Notes

- **Add:**
- **Zoning:**
- **Mod. Factor:**

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*(Original document includes additional text and figures not fully transcribed here)*
Burnt building & shed, looking towards adjacent house & lot.

Looking over dry wash, towards berm.