

PLANNING DEPARTMENT - PLANNING COMMISSION  
COUNTY OF HAWAII  
Hilo, Hawaii

PERMIT NO. 89-9

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on July 12, 1989, an assessment on the application of CHERYL MORGAN for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: The construction of an ohana dwelling on a small portion of her 2.671 acre lot. The land involved is located about one half mile northeast of Kaimu Beach, just makai of the Kaimu-Kapoho Road in a portion of the Kaimu-Makena Homesteads, Puna, Hawaii, TMK: 1-2-18:2.


As indicated on the attached report, the Director finds that the proposed development is:

- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:

SEE ATTACHED CONDITIONS

TC IFMV = \$35,000  
PT = 21 days

  
Chief Engineer, DPW

  
Planning Director

Attachment

6257A-5/84

SMA Minor 89-9: CHERYL MORGAN  
Conditions

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.
3. All stone mounds, stone-filled cracks, walls and other archaeological features present in the area of the proposed improvements shall be clearly marked and roped off from all grading, grubbing and construction activities. All site preparation, construction and subsequent use of the project area shall proceed so as to leave the identified features intact and undisturbed.
4. Should any unanticipated archaeological or historic features be uncovered during the construction activities, work in the affected area shall cease immediately and the Planning Department be notified. Work shall not resume until clearance has been obtained from the Planning Department.
5. Should any unanticipated burials be uncovered, work in the affected area shall cease immediately and the Department of Land and Natural Resources, Historic Sites Section, be notified. Work shall not resume until a clearance has been obtained from the Historic Sites Section.
6. The applicant shall complete the construction within one year.
7. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns, and that are not the result of their fault or negligence; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

The applicant, Cheryl Morgan, is requesting a Special Management Area (SMA) Use Permit to allow the construction of an ohana dwelling on a small portion of her 2.671 acre lot. The land involved is located about one half mile northeast of Kaimu Beach, just makai of the Kaimu-Kapoho Road in a portion of the Kaimu-Makena Homesteads, Puna, Hawaii, TMK: 1-2-18:2.

The applicant proposes to clear a small area for a house site, cesspool and parking about 50 feet northeast of the existing dwelling's driveway, and to construct an ohana dwelling on the site. The total cost of the improvements is expected to be \$35,000.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Low Density Urban development. The State Land Use (SLU) District Classification is Urban. The County zoning is Residential & Agricultural, half-acre minimum lot size (RA-.5a). The property is presently used for residence purposes.

Nearby properties are used for residences or are vacant. Land to the north is State-owned and zoned Agriculture (SLU Agriculture) and is vacant or used for cemetery purposes, or on the makai side of the Kaimu-Kapoho Road is zoned Open (SLU Conservation) and vacant. To the east and south, the land is zoned Residential & Agriculture (SLU Urban) and is used for residences or vacant. A coastal strip fronting the residences is zoned Open (SLU Conservation) and is vacant.

The subject property previously had a small portion cleared for the existing single family dwelling. The rest of the property is densely vegetated, mostly with guava, christmasberry and noni in the

tree and shrub layers. Laua'e ferns, peperomia and introduced weeds occupy the understorey, all well-watered by the 75-80 inches of annual rainfall. No rare or endangered plants were seen on the subject parcel.

The land surface is pahoehoe lava which, in the portion of the lot planned for the improvements, has only limited level terrain, dropping off onto a more uneven surface just to the northeast of the site for the proposed improvements. The soil is an organically derived soil (classified as Punaluu Series, a Lithic Tropofolist, in the the 1973 "Soil Survey of Island of Hawaii," U.S. Department of Agriculture, Soil Conservation Service). The soil occurs in cracks and low-lying pockets between rock outcrops. It is rapidly permeable and has only slight erosion hazard according to the previous source. The soil's rocky and thin nature limits its present agricultural potential, but in the past this soil has been quite productive.

A Planning Department field trip on June 16, 1989, revealed that evidence of past use abounds on the property. Some of the pahoehoe cracks have been filled with stones, and mounds of stones occur periodically over the uncleared portion of the parcel. Also, there are remnants of old stone walls, possibly historic livestock-related walls. The stone piles are common in this part of Puna and are most likely associated with prehistoric and historic gardening activities; but the possibility remains that a burial may have a similar general structure.

The subject area is not mapped on the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency. The

location for the proposed improvements is roughly 200 feet mauka of the approximate limit of inundation for the 100-year tsunami as depicted on the Tsunami Inundation Map prepared by the U.S. Geological Survey.

There were no rare or endangered plants or animals observed at the site, nor will any sites of historic significance as listed in the National Register of Historic Places be affected by this project.

The total cost of the proposed improvements will be approximately \$35,000.

#### Recommendation

An SMA Minor Permit is hereby approved based on the following findings:

1. The total evaluation of the project will not exceed \$65,000; and
2. The proposal will not result in a significant adverse effect on the Special Management Area.

The proposed project is not expected to have any adverse environmental or ecological effects. As conditioned, the site preparation and construction of an ohana dwelling is not expected to have any adverse historical effects.

The proposed action is consistent with the Objectives, Policies, and SMA Guidelines. These were established to provide guidance for the preservation, protection, and development of coastal resources of the State and County. They identify several areas of management concern including historic, recreation, scenic resources, coastal ecosystems, economic use, and coastal hazards. Due to the limited nature of the project and given the proposed conditions, it is

determined that granting of this request will not impact on the identified resources.

The proposed ohana dwelling is consistent with the present Residential & Agricultural zoned district as well as the General Plan Low Density Urban designation.

Based on the above, it is determined that the granting of the request will not create a significant adverse effect on the environment and, therefore, will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management; Rule 9 of the Planning Commission relating to the Special Management Area; the Hawaii County Zoning Code; or the General Plan.

A Special Management Area Minor Use Permit is approved subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.
3. All stone mounds, stone-filled cracks, walls and other archaeological features present in the area of the proposed improvements shall be clearly marked and roped off from all grading, grubbing and construction activities. All site preparation, construction and subsequent use of the project area shall proceed so as to leave the identified features intact and undisturbed.
4. Should any unanticipated archaeological or historic features be uncovered during the construction activities, work in the affected area shall cease immediately and the

Planning Department be notified. Work shall not resume until clearance has been obtained from the Planning Department.

5. Should any unanticipated burials be uncovered, work in the affected area shall cease immediately and the Department of Land and Natural Resources, Historic Sites Section, be notified. Work shall not resume until a clearance has been obtained from the Historic Sites Section.
6. The applicant shall complete the construction within one year.
7. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns, and that are not the result of their fault or negligence; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).