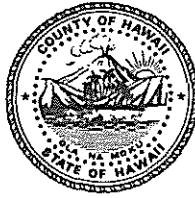


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Norman Olesen
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-9615

June 9, 1993

Mr. Nicholas Schwaebe
P. O. Box 1128
Encinitas, CA 92024

Dear Mr. Schwaebe:

Special Management Area (SMA) Minor Permit No. 93-12
Proposed Single Family Dwelling And Accessories
Shoreline, Historic, And Native Vegetation Resources
TMK: 1-2-18: 1; Kaimu-Makena Homesteads, Keekee, Puna

We have received and reviewed a Special Management Area (SMA) Use Permit Assessment Application for the proposed construction of a dwelling and accessories on a vacant shoreline parcel which lies between the Kalapana-Kapoho Road and the ocean.

BACKGROUND INFORMATION

The application indicates plans to construct a single family dwelling, water tank, septic system, and driveway in the makai central portion of the 3.8 acre lot (area before erosion). Land clearing is proposed only for the driveway (previously cleared) and house pad, retaining as much of the existing vegetation as possible.

SHORELINE. A recent survey of the subject property has revealed that the coastal strip of State land which had fronted parcels in this area has mostly eroded away and/or subsided, leaving remnants next to the northeast and south corners of the subject parcel. The arcuate-shaped shoreline area consists of sand or cobble beach, old 'a'a lava chunks or recently emplaced (1990) pahoehoe lava flow, all of which extend makai of a distinct vegetation line. The vegetation line curves into the platted parcel boundaries along about 330 feet of the 550 feet of makai boundary line. Ample room is available for public access along the shoreline makai of the vegetation line.

LAND USE. The subject property bears a State Land Use District classification of "Urban" and County zoning of Rural Agriculture-0.5 acre (RA-.5). The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Low Density Urban uses in the central and mauka portions of the parcel and Open Area uses in the makai portion of the parcel.

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HAZARDS. The Flood Insurance Rate Map (FIRM), prepared by the Federal Emergency Management Agency (FEMA), designates the mauka portion of the subject parcel to be in Zone "X", outside the 500-year floodplain, and the makai 60-100 feet of the parcel to be in the "VE" Flood Zone (Coastal High Hazard or Tsunami Area). The Lava Flow Hazard Map for Kilauea volcano identifies the area of the subject parcel to be in Lava Hazard Zone 2, the second most hazardous zone. A pahoehoe lava flow from the current eruption of Kilauea was emplaced in 1990 immediately makai and west of the parcel. The area has also subsided some following the 7.2 magnitude 1975 earthquake and presumably also in the 7.5 magnitude 1868 earthquake. This coastline was washed by locally generated tsunami in both instances. These eruptive and tectonic events are periodic along this unstable south flank of Kilauea.

VEGETATION. There are three kinds of vegetation on the subject parcel. An approximately 250 year old 'a'a flow supports a sparse cover of ohia trees with native shrubs (akia and pukiawe). An older (400-750 years old) pahoehoe flow is densely covered with an exotic-dominated admixture of plants including christmasberry, milo, monkeypod, guava, hala, swordfern and coconut. The coconut, milo and hala also contribute to a strip of coastal strand vegetation, along with naupaka and the sedge Fimbristylis cymosa. No rare plants are contained within these vegetation types at the site.

HISTORIC STATUS. The subject parcel is situated in proximity to a cemetery site and a wider spread of prehistoric burials which occur on a number of adjacent properties. The possibility of occurrence of burials plus the likelihood of historic sites on the subject parcel, necessitated an archaeological inventory survey being performed for the lot. A report of the survey was completed by Dr. Robert L. Spear in November 1992, and submitted to the Historic Preservation Division (HPD) of the Department of Land and Natural Resources for review. Four historic sites were discovered and adequately documented, and it was determined that none of these features was a burial.

FINDINGS AND DETERMINATION

Upon review of the request against the guidelines for granting a Special Management Area Permit, the Planning Director hereby approves a Special Management Area Minor Permit. The proposed action is consistent with the Objectives, Policies and SMA Guidelines which 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.

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The proposed dwelling construction is not expected to have any detrimental effects on the Special Management Area, as determined from the following findings and conditions.

The total valuation of the project will not exceed \$125,000; and the proposal will not result in a significant adverse effect on the Special Management Area.

Based on the information provided in the shoreline photos and recent survey map of May 3, 1993, and the applicant's statements to place the improvements at least 140 feet from the makai vegetation line, the Department waives the requirement for a certified shoreline survey. In lieu of the certified shoreline to identify the shoreline position, the Director determines an 80-foot wide shoreline setback area to be taken from the makai boundary line of the parcel. This determination is consistent with the Open Area General Plan designation for the makai portions of the lot and reflects caution due to the nearshore wave and flood hazard as well as the ambiguity of the legal shoreline position. No construction or site disturbance is proposed for this shoreline setback area, and none is allowed without approval under Shoreline Setback Area and SMA Rules (Planning Commission Rules, Numbers 8 and 9).

The application states that the genuine threat of lava inundation is understood by the applicant.

The application and site plan indicate that the location of the dwelling will be in the makai center of the parcel, and that very little of the existing vegetation will be disturbed. According to the descriptions and map in the archaeological report, it can be inferred that the native dominated vegetation on the 'a'a flow will not be disrupted.

The mapped locations of the archaeological sites and statements in the application indicate that the impact of the proposed project will be minimal as far as the sites are concerned. The HPD review of the archaeological report concluded that enough information had been collected from each site to allow for a "no longer significant" determination, and that the proposed project would now have "no effect" on the historic sites.

Based on the above findings, the limited nature of the project, and given the proposed conditions, it is determined that the granting of this request will not impact the identified resources. Therefore, the granting of this request 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; or the General Plan.


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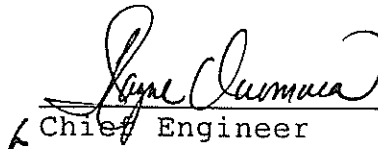
A Special Management Area Minor Use Permit is further approved subject to the following conditions:

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. The life of authorization of this permit is two years. Construction of the proposed improvements shall be completed within two years.
4. An 80-foot wide shoreline setback area is determined for the subject parcel to be taken from the makai boundary line of the parcel. No construction of site disturbance is allowed within this shoreline setback area without prior approval under Shoreline Setback Area and Special Management Area Rules (Planning Commission Rules, Numbers 8 and 9).
5. Any deviations from the proposed project as explained in the application materials and in the body of this permit will require advance approval from the Planning Department, particularly with regard to the imposed 80-foot shoreline setback.

Should you have any questions about this permit please contact Rick Warshauer or Rodney Nakano at this office.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

 7/13/93
Chief Engineer Date

FRW:mjh

xc: SMA Section
PC Records