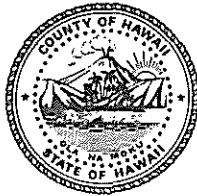


Stephen K. Yamashiro  
Mayor



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

August 6, 1993

Mr. Brian T. Nishimura  
101 Aupuni Street, Suite 217  
Hilo, HI 96729

Dear Mr. Nishimura:

Special Management Area (SMA) Minor Permit No. 93-14  
Proposed Grubbing of Filling Of Access Easement  
Hawaiian Shores Subdivision  
TMK: 1-5-88: 8 & 9; Waiakahiula, Puna, Hawaii

We have received and reviewed a Special Management Area (SMA) Use Permit Assessment Application for the proposed grubbing, grading and filling on about 4500 square feet of access way along the common boundary between parcels 8 and 9 and a portion of 8. The subject parcels are both vacant shoreline parcels in the Hawaiian Shores Subdivision, makai of the Government Beach Road.

#### BACKGROUND INFORMATION

Applicant Brian T. Nishimura, in behalf of owners Carl Lamont (8) and Stephen Taylor Lain (9), is seeking to grade and fill a common access driveway over the adjoining pole sections of the subject parcels and to level a small portion of parcel 8. The total area to be graded and/or filled is 4500 square feet: 4200 square feet within the pole sections and an adjacent 300 square feet in the western corner of 8. The amount of fill involved is to be less than 100 cubic yards.

SHORELINE. The shoreline fronting the parcel 8 (and parcel 5 to the west) was certified by the Chairperson of the Department of Land and Natural Resources on June 15, 1992, but that fronting parcel 9 does not have a recent certification. The proposed grading on parcel 8 is diagrammed to be about 57 feet or more from the certified shoreline. A 20-foot minimum shoreline setback is determined for parcel.

LAND USE. The subject property and the surrounding area bear a State Land Use District classification of "Urban" and County zoning of Agriculture-1 acre (A-1a). The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Low Density Urban uses, and Open Area along the shoreline.

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HAZARDS. The Flood Insurance Rate Maps (FIRM), prepared by the Federal Emergency Management Agency (FEMA), have not included this portion of Puna in the specific coverage other than to indicate that the subject parcel is in Zone "X", outside the 500-year floodplain. 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. The makai end of the subject parcels consists of steep vegetated slopes and a low coastal bluff, ranging in height from 10'-15' to 40'-50'. The extent of the uprush of storm waves onto the property, if any, is not known.

VEGETATION. Native vegetation covers most of the subject properties but is of limited diversity. A patch of hau trees (Hibiscus tiliaceus) occurs in the mauka area, just in from a grassy road berm. Most of the rest of the rough ground surface is covered by low growing naupaka (Scaevola sericea), with some emergent hala trees (Pandanus tectorius) and a few introduced ironwood trees (Casuarina equisetifolia). A significant amount of the arborescent vegetation will be removed by the proposed activities.

HISTORIC STATUS. The Hawaiian Shores Subdivision has been subdivided into small lots for many years. No significant historic sites are known from the immediate area of the subject parcels, and little would be expected given the uses practiced in the subdivided lots over the years.

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.

The proposed grubbing and filling 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.

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Based on the information provided in the shoreline photos and recent certified shoreline survey map of June 15, 1992, and the applicant's site plans and application statements to place the improvements at least 50-57 feet from the certified shoreline, the Department waives the requirement for a certified shoreline survey for parcel 9 and determines a 20-foot minimum shoreline setback line for parcel 8. This determination is consistent with the Open Area General Plan designation for the makai portions of the land. Given that the proposed grading on parcel 9 is to be 85 feet mauka of the western extension of the certified shoreline of parcel 8, we waive the requirement for a valid certified shoreline for parcel 9. No construction or site disturbance is proposed for the aforementioned shoreline setback area, and none is allowed without separate approval under Shoreline Setback Area and SMA Rules (Planning Commission Rules, Numbers 8 and 9).

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.

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

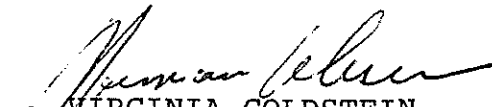
1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall comply with all other applicable laws, rules, regulations and requirements.
3. The life of authorization of this permit is two years. Implementation of the proposed improvements in the manner described above shall be completed within two years.
4. An 20-foot wide minimum shoreline setback area is determined for parcel 8 to be taken from the shoreline certified June 15, 1992. No 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).

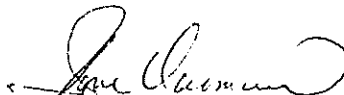
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5. Before any site disturbance commences in the proposed area of work, the 20-foot shoreline setback line shall be measured from the surveyed shoreline certified on June 15, 1992, and staked with an obviously visible and brightly colored flagline. This office should be called for an inspection when the line has been set in place and before work has begun. Said flagline shall remain in place until after all site preparations have been completed.
6. 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.

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

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

  
\_\_\_\_\_  
Chief Engineer                      Date

FRW:mjh  
0077D

xc: SMA Section  
West Hawaii Office