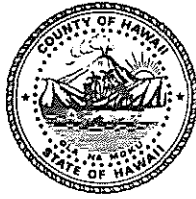


Stephen K. Yamashiro  
Mayor



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

COPY

August 16, 1993

Ms. Susan Vaughan  
HCR 10045  
Keaau, HI 96749

Dear Ms. Vaughan:

Special Management Area (SMA) Use Permit  
Assessment Application  
Proposed Single Family Dwelling, Grubbing  
And Various Related Improvements  
Exemption For Single Family Dwelling  
Special Management Area Minor Permit 93-16  
TMK: 1-5-00: 29; Halona, Puna, Hawaii

We have received and reviewed a Special Management Area (SMA) Use Permit Assessment Application for the proposed construction of a single family dwelling, and land preparation of a house site and long driveway, as well as a suite of related development activities and small structures associated with the establishment of the homestead throughout much of the 3.604 acre shoreline parcel at Halona, an undeveloped area between Hawaiian Paradise Park and Hawaiian Beaches Subdivisions.

The proposed development extends over a considerable area on a parcel within the Conservation District, and is intermixed with various historic features, three of which are considered significant by the State Historic Preservation Division. In addition, there is an area of an endangered grass species near the makai boundary of the parcel. In consideration of the sensitive historic and biological resources on the subject property, and its appropriate Conservation District status, we have determined that (A) the single family dwelling and its necessary and adjacent accessory features may be considered exempt from the requirements for a Special Management Area permit, but (B) that the peripheral and less essential elements are to be subject to this Special Management Area Minor Permit.

Given the above consideration, we find that the proposed

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construction of a single family dwelling, septic system, water tank, domestic propane supply, 14-foot wide gravel driveway, dog house and swim pool are outside the definition of "development" under Planning Commission Rule No. 9, Special Management Area Rules and Regulations. The proposed dwelling and adjacent accessory features are mauka of the recently certified shoreline and outside the 40-foot shoreline setback area. Therefore, this specific action, as listed above and diagrammed in the plot plan, is exempt from further SMA review. The remainder of the proposed development is to be covered under SMA Minor Permit No. 93-16 below.

SPECIAL MANAGEMENT AREA MINOR PERMIT NO. 91-16

BACKGROUND INFORMATION

Applicant Susan Vaughan has purchased the subject 3.604 acre parcel for the purpose of establishing a homestead on the coastal lot at Halona, Puna, TMK: 1-5-10: 29. The vacant parcel runs from the unimproved Government Beach Road to the shoreline. The proposed improvements to the property include a single family dwelling and adjacent accessory features (separately exempted from further SMA permit review), the installation of a 7 kilowatt genset (including a battery bank, generator shed and propane fuel tank), a powerline buried within and along most of the length of the driveway, an entry gate, a 10x10-foot gazebo, a satellite dish TV antenna, two vegetable garden patches, a 4-foot high stone boundary wall (along the south and west parcel boundaries), some selective and partial hand grubbing of the parcel, the planting of ornamental and fruit trees, and other landscaping. The valuation is \$65,000.

SHORELINE. A shoreline survey map of the subject parcel and parcel 30 (to the south) was certified on March 23, 1993. This survey places the new shoreline well above (about 36-127 feet) the previous 1966 depiction of the shoreline, mauka of a wave-washed lava shelf extending out to the low coastal bluff. There is ample room for lateral shoreline access within the lava shelf. A 40-foot shoreline setback area is determined for the parcels covered by the current certified shoreline. The proposed development is well mauka of the shoreline setback area.

LAND USE. The subject properties and the surrounding lots on the makai side of the Government Beach Road bear a State Land Use (SLU) District classification of "Conservation" and County zoning of Agriculture-1 acre (A-1a). The surrounding lots on the mauka side of the road bear a SLU District classification of "Agriculture" and

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County zoning of Agriculture-5 acre (A-5a). The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Orchard use and the coastal area for Open Area uses. Existing uses in the area include grazing and vacant.

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 Mauna Loa volcano identifies the area of the subject parcels to be in Lava Hazard Zone 2, Zone 1 being the most hazardous zone. The subject lots' dwelling location well away from the shoreline should place it outside the areas of storm wave uprush.

VEGETATION. The vegetation of most of the subject parcel is dominated by introduced species such as guava (Psidium guajava), swordfern (Nephrolepis exaltata), mango (Mangifera indica), awapuhi (Zingiber zerumpet), as well as a few native plants such as akia (Wikstroemia sp.), laua'e (Microsorium scolopendrium), hala (Pandanus tectorius) and the sedge Scleria testacea. Close to the shoreline, the proportion of native species is increased, particularly by the shrub naupaka (Scaevola sericea). There is also a large collection of grass clumps of the endangered grass species Ischaemum byrone. It is of note that at the seaward edge of the continuous vegetation, there have been observed land snails of the genus Succinea, one of the lowest sightings of the group. These were on a shaded embankment moistened by a seep.

HISTORIC STATUS. Given the relatively old age of the Kilauea land surface (a 1500-10,000 year old lava flow, according to a recent geologic map of the area), it was expected that the land surface would contain remnants of the earlier Hawaiian occupants. A December, 1992, archaeological survey provided a thorough examination of the parcel. A number of features were described, of which three were determined to be significant by the State Historic Preservation Division of the Department of Land and Natural Resources. A well-documented survey report has recovered information from the archaeological context of the land and recorded it. The Division has recommended that any permit issued be done so with a condition for preservation in order to ensure a "no adverse effect" evaluation.

#### FINDINGS AND DETERMINATION

Upon review of the request against the guidelines for granting a

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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 establishment of a homestead environment over much of the subject parcel 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 permit portion of the project will not exceed \$125,000; and the proposal will not result in a significant adverse effect on the Special Management Area.

As described in the information provided, the relatively unobtrusive nature of the proposed request and the applicant's intentions to preserve the majority of the identified resources within their development will maintain the character of this portion of the Conservation District.

Much historic information has already been recovered from the parcel within the archaeological survey report. The applicant intends to preserve all the identified archaeological sites on the property and to retain an archaeologist to assist in the development layout to ensure this intent. A condition will be attached to this permit to further this effort, as requested by the State Historic Preservation Division of the Department of Land and Natural Resources.

The applicant is aware of the endangered Ischaemum, and intends to cordon off the plants to prevent adverse impacts to them during construction.

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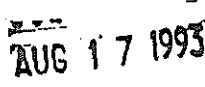
A Special Management Area Minor Use Permit is further approved subject to the following conditions:

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. Implementation of the proposed improvements in the manner described above shall be completed within two years.
4. 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.
5. A detailed preservation plan (scope of work) shall be developed by the applicant and shall be approved by the State Historic Preservation Division before initiation of site preparation or construction activities. This plan is to contain interim protection measures during construction and should include long-term management measures.
6. The population of Ischaemum Byrone shall be cordoned off with a brightly colored flagline or other obvious marker. Any construction workers operating near the makai end of the parcel shall be made aware of the "off limits" nature of the marked area.

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/0396D  
xc: HPD/DLNR  
OCEA/DLNR  
SMA Section  
West Hawaii Office