JOHN WAIHEE GOVERNOR OF HAWAII





WILLIAM W. PATY, CHAIRPERSON BOARD OF LAND AND NATURAL RESOURCES

#### DEPUTIES

LIBERT K. LANDGRAF MANABU TAGOMORI RUSSELL N. FUKUMOTO

AQUACULTURE DEVELOPMENT

PROGRAM

#### STATE OF HAWAII

DEPARTMENT OF LAND AND NATURA PORESOURCES 1:07

P. O. BOX 621

HONOLULU, HAWAH 96808 OFC. OF ENVIRONMENT **GUALITY CONTRO** 

AQUATIC RESOURCES CONSERVATION AND ENVIRONMENTAL AFFAIRS CONSERVATION AND RESOURCES ENFORCEMENT CONVEYANCES FORESTRY AND WILDLIFE LAND MANAGEMENT STATE PARKS

WATER AND LAND DEVELOPMENT

FILE: HA-10/31/89-2332

DOC.: 7043E

DEC 29 1989

#### MEMORANDUM

REF: OCEA: SOR

TO: The Honorable Marvin T. Miura, Director

Office of Environmental Quality Control

William W. Paty, Chairperson FROM:

Board of Land and Natural Resources

DOCUMENT FOR PUBLICATION IN THE OEQC BULLETIN -SUBJECT:

> ENVIRONMENTAL ASSESSMENT FOR CONSERVATION DISTRICT USE APPLICATION HA-2332 for a Single Family Residence at

South Kona, Hawaii. TMK: 8-6-13: 49

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 Ed Henry of our Office of Conservation and Environmental Affairs, at 548-7837, if you have any questions.

County

Area of Parcel

Term (if lease)

Hawaii

sq. ft.)

0.2529 acres (Indicate in acres or

Tax Map Key <u>8-6-13-49</u>

Water Control Area

Well Drilling/Modification

( ) E.

### V. Environment Requirements

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Please note the following environmental assessment of the proposed use:

- 1. Identification of applicant: Land owner, Dorothy C. Watanabe.
- 2. Identification of approving agency: Department of Land and Natural Resources.
- 3. Identification of agencies consulted in making assessment: County Planning Department of Hawaii (William), Tax Assessment Division of Hawaii (Marion Euginio) and Land Use Commission (Esther Ueda)
- 4. General description of the action's technical, economic, social, and environmental characterisitics:

Technical: Poured concrete for foundation and driveway, setting hollow tile, wood work for home and car port, grading gentle slope, and cesspool/septic tank (depending on requirement of Department of Health).

Economic: Approximate cost of grading \$1,000.00, Approximate cost of home \$25,999.00 and any additional costs of materials and labor which are unforeseen at this time.

This is a well established residential community. One of the abutting lots has a single family residence and all of the three lots directly across the street from the subject lot have homes. Most of the lots in this subdivision have been developed as residential. (See Exhibit "K", photographs of the actual homes and Exhibit "K-1", red circled numbers correlate to the numbered photographs in Exhibit "K".)

Environmental: The proposed structure will be built to blend in with the environment. The appearance (see construction plans, Exhibit "F") and color (natural wood) are not obtrusive but harmonious with the natural surroundings. The landscaping will leave intact all large trees on the lot, marked on Exhibit "D". Applicants propose to plant ground cover and a small garden for their own use.

- 5. Summary Description of the affected environment: Minor grading and construction of house. (See Construction Plans, Exhibit "F", and Plot Plan, Exhibit "D".)
- 6. Identification and summary of major impacts and alternatives considered: Short term construction activity and long term minimal environment impact.
- 7. Proposed mitigation measures: No significant alteration to vegetation, will control erosion and dust by landscaping, construction activity will commence and end as soon as possible.

# INFORMATION REQUIRED FOR ALL USES

#### I. <u>Description of Parcel</u>

- A. Existing structures/Use.
  The following exist on the subject lot at this time:
  - Two wells are located on the property. One of the wells is located 10 feet from the southern boundary of the subject property, and is 6 feet in diameter and 14 feet deep, and is marked by a cement portion of the well protruding above ground. (See Exhibit "D".)
  - The lot has been graded, in violation of Section 183.41 of the Hawaii Revised Statutes, previously, the second well was located in the middle of the property, and was 8 feet in diameter and 10 feet deep and is currently filled with sand and gravel. This second well was marked by a cement portion of the well protruding above ground also. (Looked like a wishing well.) (See Exhibit "D".)
  - 3) Prior to the after-the-fact-violation grading, a concrete slab in the middle of the property evidenced the foundation of the previous residence.
  - 4) All the boundaries of this lot are well marked by a lava rock wall (crumbling in places) three feet high. (Refer to Exhibit "D". The circled red numbers correlate to the numbered photographs in Exhibit "E".
- B. Existing utilities. Water is available by way of a hook up with a water meter belonging to a neighbor. (Refer to Exhibit "D".) Applicants are requesting written permission from neighbor for hook

up to water line. Road and utility easement abutts the north boundary of subject property. (See Exhibit "C".)

- C. Existing access. Exhibit "C" is the relevant portion of the tax map showing the subject property, bounded in red. All roadways are paved with asphalt/lava mix. None of the roadways have been named.
- D. Vegetation. Currently there are opiuma trees, keawe trees, tamarind trees, weeds, and ohai. The location of the above are plotted in Exhibit "D".
- E. Topography. Exhibit "A" is a contour map of the general area. The elevation is gently sloping from sea level to 4 feet, with drainage to the East. Exhibit "D" indicates the current grading of the subject property. The current grade is an afterthe-fact violation of Section 183.41 of the Hawaii Revised Statues.
- F. Description of shoreline. The shoreline is generally sandy with some large coral pieces. Refer to Exhibit "G" which labels the cliff areas, beach areas and the beach park area on the tax map of subject property. The numbers circled in red correlate to the photograps in Exhibit "G-1". The photographs indicate the location of these areas relative to the subject property.
- G. Existing covenants, easements, restriction. Subject to title to all minerals and metallic mines reserved to the State of Hawaii. Exhibit "H" is a copy of the legal description to the subject property, reflecting any covenants, easements, and restriction.
- H. Historic sites affected. There are no historic sites near the subject property. The Hookena Beach Park is nearby. Refer to Exhibit "G-1", photographs of the park.
- II. DESCRIPTION: Describe the activity proposed.

Construction and occupation of a single family dwelling, two story, two bedrooms, two baths. The construction will involve:

 clearing of weeds from the lot. Nearly all of the trees will be untouched.

- 2) Concrete foundation will be poured as well as concrete driveway.
- The existing stone wall will be rebuilt to its former height of three feet, using the existing stones, now fallen from disrepair.
- An existing well will be converted into a cesspool and a sewer line will be hooked up from the house. (See Exhibit "D"). See also Exhibit "J", attached, which is the Report on Individual Wastewater System, prepared by applicants for submission to the Department of Health. The propossed cesspool will comply with the Adminstrative Rules of the Department of Health. A letter to this effect will be sent to the Department of Health along with the Report on Individual Wastewater System.

The property has been graded prior to submission of this application. The grading occurred sometime in May, 1989, by the applicants. This is an after-the-fact violation of Section 183.41 of the Hawaii Revised Statutes. The current grading is shown on Exhibit "D".

III. Commencement Date: Upon building approval.

completion Date: 6 months after commencement date.

### IV. TYPE OF USE REQUESTED

Nonconforming Use: Subzone L.

Area of Proposed Use Land: 11,016 square feet House: 1,360 square feet

Name and Distance of Nearest Town or Landmark: Hookena Beach Park.

Boundary interpretation. The subject property is not within 40 feet of the boundary of the Conservation district.

Conservation District Subzone: L

County General Plan Designation: Open

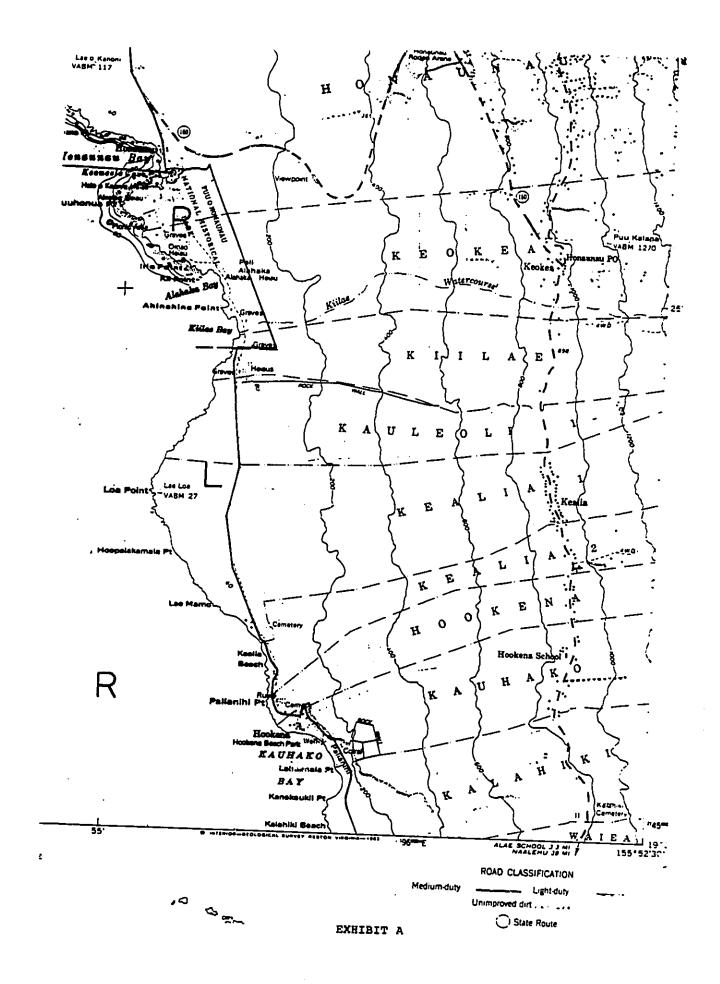
# INFORMATION REQUIRED FOR CONDITIONAL USE ONLY

## I. <u>Plans</u>:

A. Area Plan: See Exhibits "C" and "D".

- B. Site Plan: See Exhibits "C", "D", "G".
- C. Construction Plan: See Exhibit "F". Applicants are planning to revegetate by planting 2 poincianna trees, hayden and common mango trees, 2 samoan coconut trees, 1 olu tree, solo papaya trees, a lawn with flowers and a small vegetable garden.
- D. Maintenance Plans: N/A
- E. Management Plans: N/A
- F. Historic or Archeological Site Plan: N/A
- II. <u>Subzone Objective</u>: The objective of Subzone L is to limit uses where natural conditions suggest constraints on human activities. The proposed land use, construction of a single family dwelling is a nonconforming use, however, the four necessary conditions for eligibility as a nonconforming use application under SubChapter 1, Title 13, Chapter 2, of the Departmental Administrative Rules, as amended, have been satisfied:
  - 1. The subject land parcel is less than ten (10) acres;
  - The subject land parcel (TMK 8-6-13-10) was created and subject to real property taxes as early as 1944, and has since been subdivided into various parcels, including the subject property (TMK 8-6-13-49), and has, prior to January 31, 1957 paid taxes accordingly. (See Exhibit "I", attached);
  - 3. The land parcel has been held and intended for residential or farming use; and
  - 4. Only one residential dwelling is proposed to be put on the subject land parcel.

Further, a property nearby was given nonconforming use approval for single family dwelling by the Board. (See HA 1389, Exhibit "C", property highlighted yellow and Exhibit "K", photograph #4.)



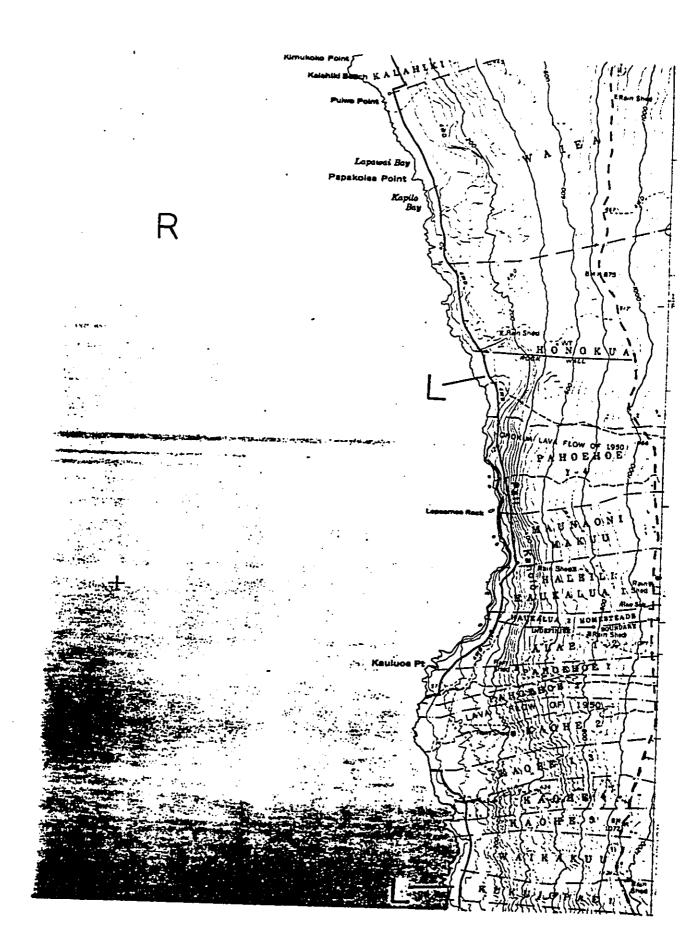
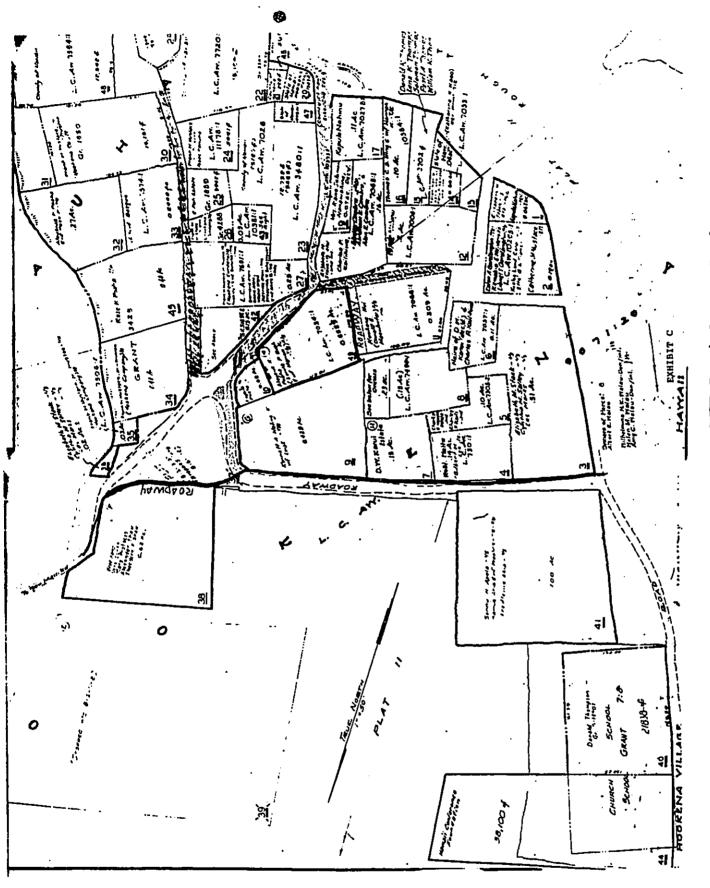


EXHIBIT "B"



To Kealea Roadway
To Mamalahoa Highway
RWWWM Roadway and Utility Easement

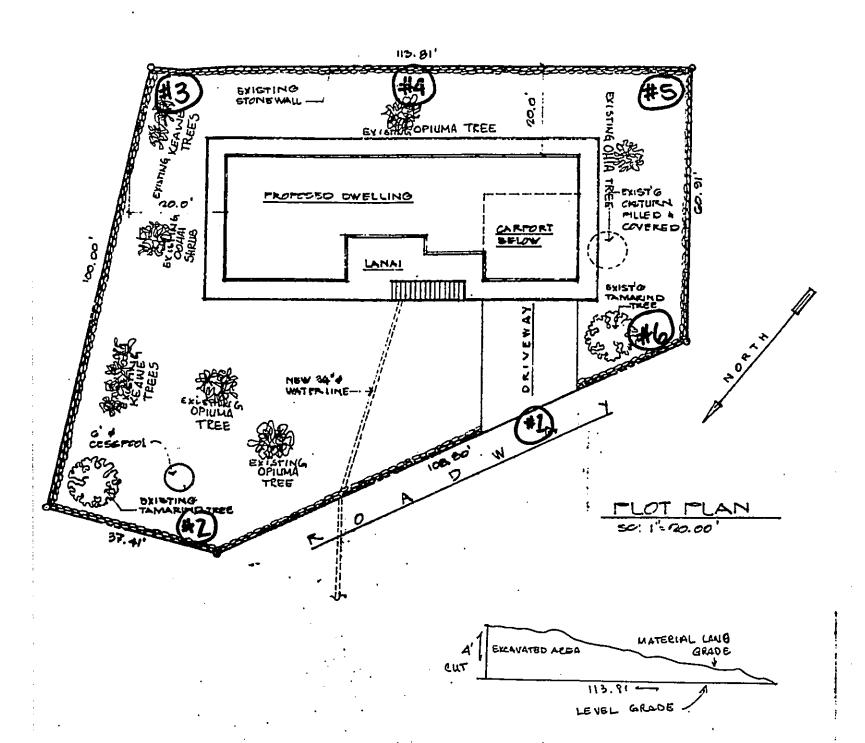


EXHIBIT "D"



#1 EXISTING DRIVEWAY, SHOWING EXISTING STONEWALL AT THE ENTRANCE TO THE DRIVEWAY.

EXHIBIT E Page 1 of 6



#2 EXISTING TAMARIND TREE AND EXISTING STONEWALL

EXHIBIT E Page 2 of 6



#3 CORNER OF LOT SHOWING EXISTING STONEWALL AND NEIGHBOR.

EXHIBIT E Page 3 of 6



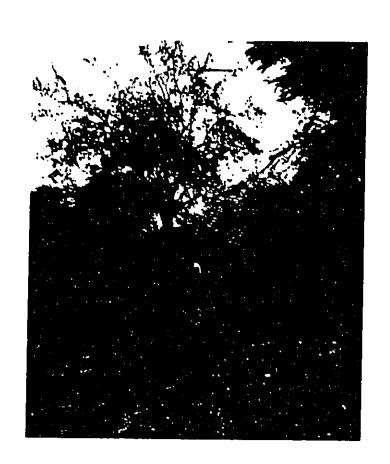
#4 SOUTHERN BOUNDARY OF SUBJECT LOT AND NEIGHBOR.

EXHIBIT E Page 4 of 6



#5 CORNER OF SUBJECT LOT AND INTERSECTION OF ROADWAYS

EXHIBIT E Page 5 of 6



#6 CORNER OF SUBJECT LOT AND EXISTING TAMARIND TREE

EXHIBIT E Page 6 of 6

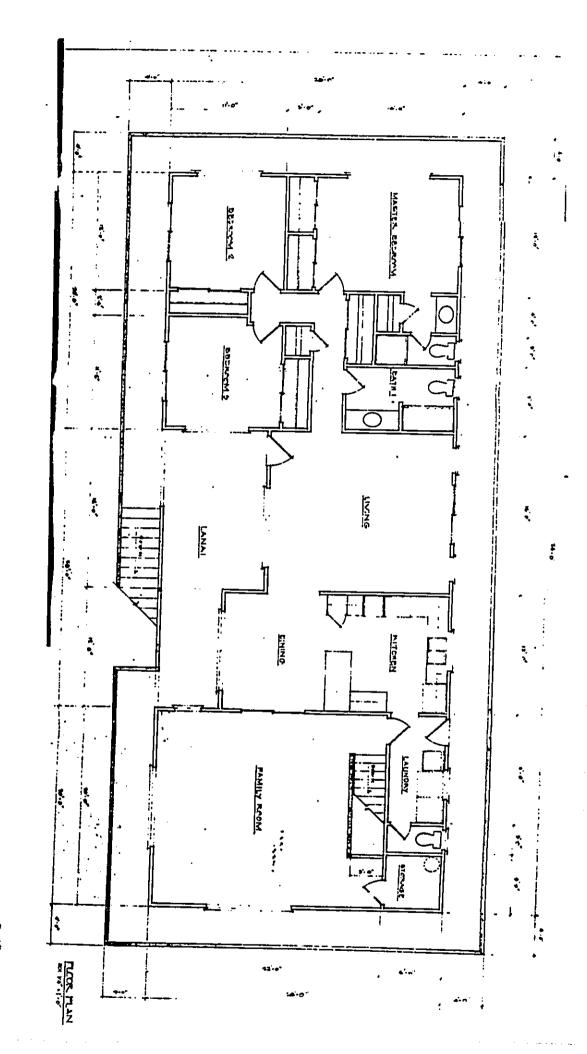


EXHIBIT "F" Page 1 of 4

LOWER LEYEL FLOOR HAN 55.47.5 THE CAN CAK-TOKE

EXHIBIT "F" Page 2 of 4

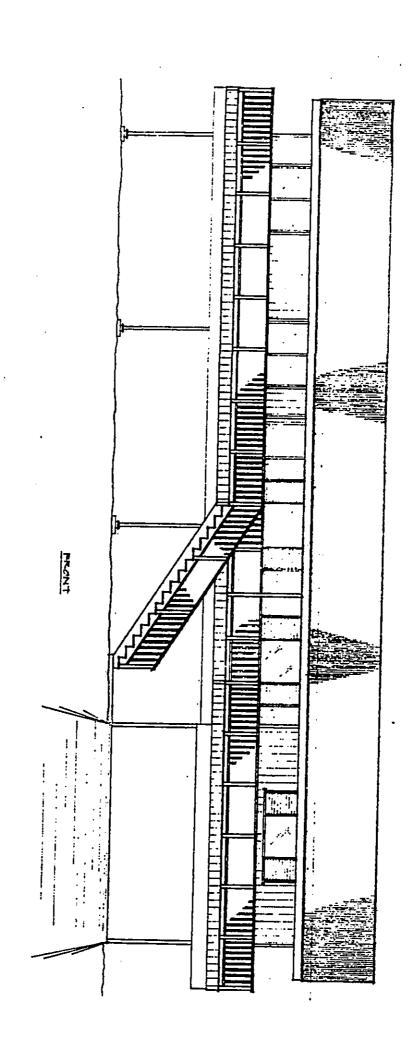
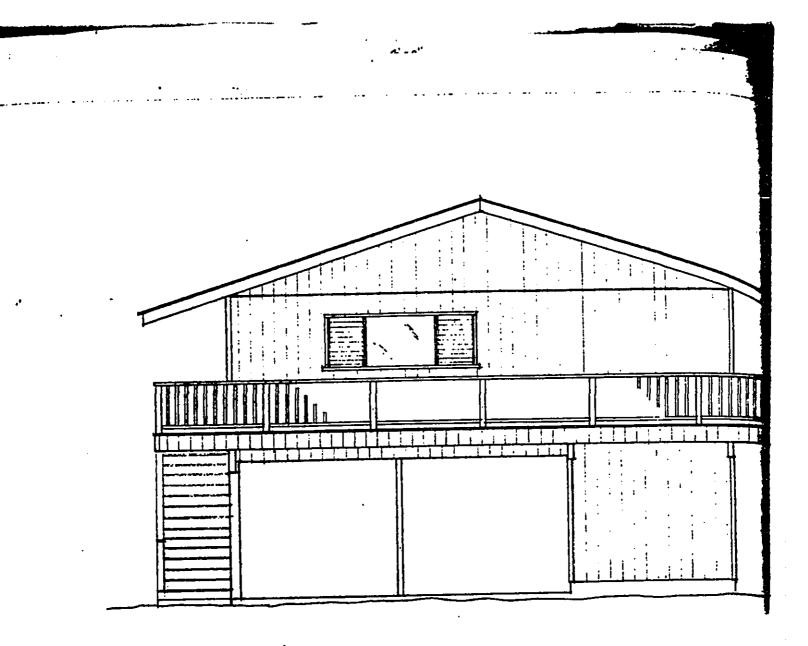


EXHIBIT "F" Page 3 of 4



RIGHT SIDE

EXHIBIT "F" Page 4 of 4

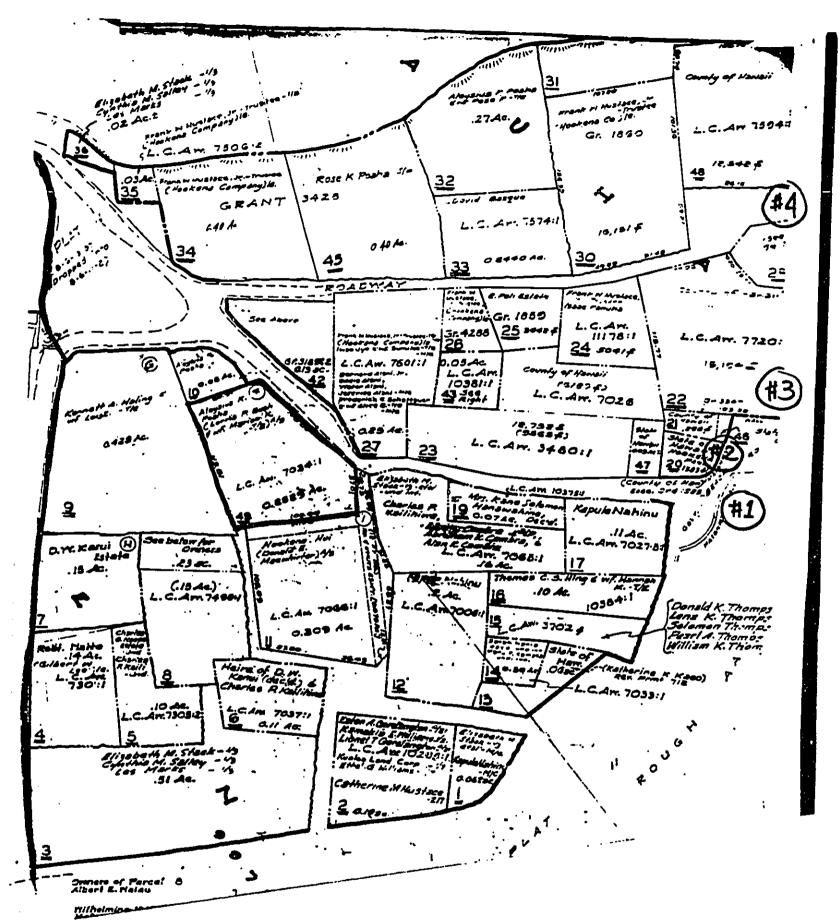
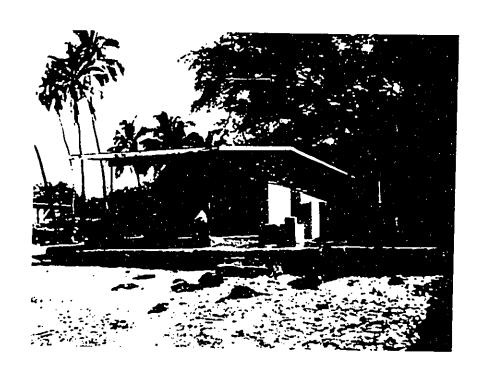


EXHIBIT "G"



#1 MASONRY WALL AT NORTH END OF HOOKENA STATE PARK

EXHIBIT G-1 Page 1 of 4



#2 STATE PARK PAVILLION, WATER TOWER, SAND AND CORAL

EXHIBIT G-1 Page 2 of 4



#3 SHORELINE IS MADE UP OF SAND, CORAL AND STONES

EXHIBIT G-1 Page 3 of 4



#4 WEST END OF STATE PARK AND SHORELINE, BECOMING ROCKY WITH CLIFFS

EXHIBIT G-1 Page 4 of 4

#### DESCRIPTION

ALL OF THAT CERTAIN PARCEL OF LAND (BEING ALL OF THE LAND DESCRIBED IN AND COVERED BY ROYAL PATENT NUMBER 6728, LAND COMMISSION AWARD NUMBER 7034, APANA 1 TO KAMAHANA) SITUATE, LYING AND BEING ON THE WEST SIDE OF GOVERNMENT ROAD TO HOOKENA BEACH, AT HOOKENA, DISTRICT OF SOUTH KONA, ISLAND, COUNTY AND STATE OF HAWAII, BEING LOT NUMBER 4, AND THUS BOUNDED AND DESCRIBED AS PER SURVEY OF HENSLEE F. TOWILL, REGISTERED PROFESSIONAL LAND SURVEYOR, DATED JULY 1979, DESCRIBED AS FOLLOWS:

BEGINNING AT A PIPE IN CONCRETE AT THE SOUTH CORNER OF THIS PARCEL OF LAND ON THE WEST SIDE OF GOVERNMENT ROAD THE COORDINATES OF SAID POINT OF BEGINNING REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "PA AIANIHI" BEING 140.09 FEET NORTH AND 510.42 FEET WEST AND RUNNING BY AZIMUTHS MEASURED CLOCKWISE FROM TRUE SOUTH:

. 1.	680	09 <b>•</b>	37.41	FEET ALONG DRIVEWAY TO A NAIL IN CONCRETE;
. 2.	153°	25*	100.00	FEET ALONG L. C. AW. 7066:1 TO A PIPE IN CONCRETE;
3• ·	231°	54 *	113.81	FEST ALONG LAND OWNED BY KENNETH A. HALING AND WIFE TO A NAIL IN CEMENT:
4	321°	54 <b>*</b>	60.91	PEET ALONG OPEN LAND TO A PIPE IN CONCRETE;
5.	25 <b>°</b>	59. <b>*</b>	108.80	FEET ALONG WEST SIDE OF GOVERNMENT ROAD TO BEACH AND CONTAINING AN AREA OF 0.2529 ACRE, MORE OR LESS.

BEING THE LAND CONVEYED TO THE SELLER BY WARRANTY DEED DATED SEPTEMBER 14, 1980, RECORDED SEPTEMBER 29, 1982, IN THE BUREAU OF CONVEYANCES, IN LIBER 16608, PAGE 451.

# SUBJECT TO:

TITLE TO ALL MINERALS AND METALLIC MINES RESERVED TO THE STATE OF HAWAII.

EXHIBIT H

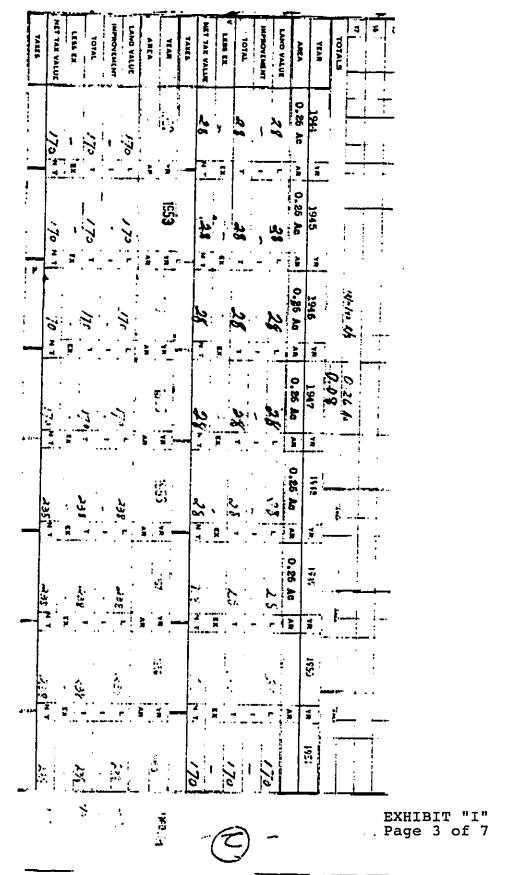
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orrin P Bush & wf Marion K ... T/E Perederick Clark Veen (e) 1/C)Sub 4/S DESCRIPTION LOT & RP 6728 LCAN 7036:1 Hookens Almyston K. Boshe OMNER LAND APPRAISAL CARD For 1981: New parcel fr 8613-por. 10 same owner 0.2529 Ac. TMS 130301 ₩? MI. TITLE HISTORY C&C: Lu.c. S 7m. COOK CAND OF CANDS
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EXHIBIT "I" Page 1 of 7 VALUE
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EXHIBIT "I" Page 2 of 7



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EXHIBIT "I" Page 4 of 7

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EXHIBIT "I" Page 5 of 7

EXHIBIT "I"
Page 6 of 7

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FIELD BOOK

EXHIBIT "I" Page 7 of 7

REPORT ON INDIVIDU	AL MASTEMATER SYSTEM		
PROPERTY ONIER: MATA NA BE DUPOTHY + ME	SAMMA THE 2-4-6 -013 LOT 0 49		
AUDRESS: POBY 807 Keala Kellia			
BUILDER OR CONTRACTOR: OWNER			
	INTERIDED FOR: Home		
OWNER'S/AGENT'S MAILING ADDRESS:	PHONE: <u>\$2.8-4774/</u>		
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Namo:	Notary public signature required if person:		
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#1 NEIGHBOR'S HOUSE ON PARCEL 45 LOCATED EAST OF SUBJECT PROPERTY

EXHIBIT K
Page 1 of 4



#2 NEIGHBOR'S HOUSE ON PARCEL 18 LOCATED NORTH OF SUBJECT PROPERTY

> EXHIBIT K Page 2 of 4



#3 NEIGHBOR'S HOUSE ON PARCELS 11, 8, AND 7 LOCATED EAST OF SUBJECT PROPERTY

> EXHIBIT K Page 3 of 4



#4 HOUSE ON PARCEL 33, APPROVED FOR NONCONFORMING USE BY BOARD LOCATED EAST OF SUBJECT PROPERTY

EXHIBIT K Page 4 of 4

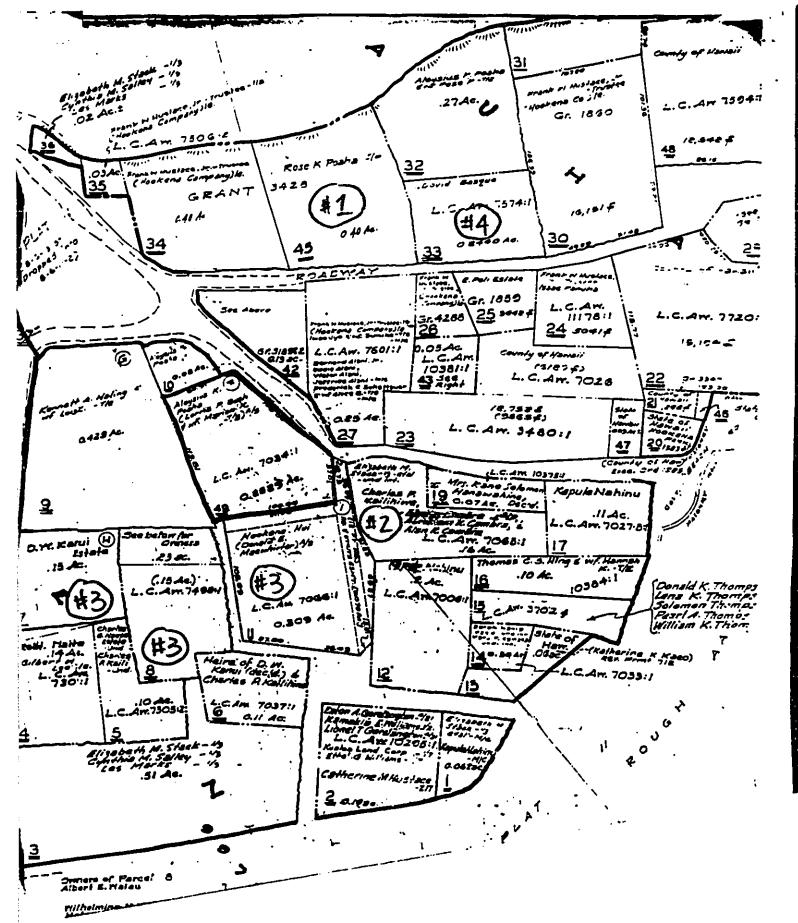


EXHIBIT "K-1"