

JOHN WAIHEE  
GOVERNOR OF HAWAII



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

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

P. O. BOX 621

HONOLULU, HAWAII 96809 '90 OCT 16 P2:53

OFFICE OF ENVIRONMENTAL  
QUALITY CONTROL

DEPUTIES  
KEITH W. AHUE  
MANABU TAGOMORI  
RUSSELL N. FUKUMOTO  
AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
CONSERVATION AND  
ENVIRONMENTAL AFFAIRS  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
PROGRAM  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

REF: OCEA: JN

FILE: HA-8/23/90-2422  
DOC.: 0084E

MEMORANDUM

OCT 15 1990

TO: Office of Environmental Quality Control

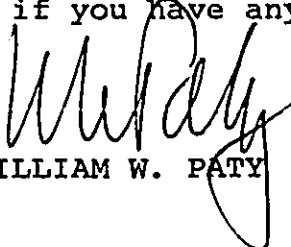
FROM: William W. Paty, Chairperson  
Board of Land and Natural Resources

SUBJECT: DOCUMENT FOR PUBLICATION IN THE OEQC BULLETIN -  
ENVIRONMENTAL ASSESSMENT FOR CONSERVATION DISTRICT USE  
APPLICATION HA-8/23/90-2422 for Single family residence,  
Puna, Hawaii; TMK 1-3-2: 98

*Kahn*

The above mentioned Chapter 343 Document was reviewed and a negative declaration was declared based upon the environmental assessment provided with the CDUA.

Please call me or Ed Henry of our Office of Conservation and Environmental Affairs, at 8-7837, if you have any questions.

  
WILLIAM W. PATY

Enclosure

232

FILE COPY

February 1983

1990-10-23 HA-FA  
Raha House

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
P. O. BOX 621  
HONOLULU, HAWAII 96809

DEPARTMENT MASTER APPLICATION FORM

ADDENDUM

FOR DLNR USE ONLY

Reviewed by \_\_\_\_\_  
Date \_\_\_\_\_  
Accepted by \_\_\_\_\_  
Date \_\_\_\_\_  
Docket/File No. \_\_\_\_\_  
180-Day Exp. \_\_\_\_\_  
EIS Required \_\_\_\_\_  
PH Required \_\_\_\_\_  
Board Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Well No. \_\_\_\_\_

(Print or Type)

I. LANDOWNER/WATER SOURCE OWNER  
(If State land, to be filled in by Government Agency in control of property)

Name Philip G. Kahn

Address P. O. Box 6064

Kamuela, HI 96743

Telephone No. 889-5174

SIGNATURE Philip G. Kahn

Date September 27, 1990

(original application dated August 23, 1990)

II. APPLICANT (Water Use, omit if applicant is Landowner)

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

Interest in Property \_\_\_\_\_

(Indicate interest in property; submit written evidence of this interest)

\*SIGNATURE \_\_\_\_\_

Date \_\_\_\_\_

\*If for a Corporation, Partnership, Agency or Organization, must be signed by an authorized officer.

III. TYPE OF PERMIT(S) APPLYING FOR

( ) A. State Lands

(X) B. Conservation District Use

( ) C. Withdraw Water From A Ground Water Control Area

( ) D. Supply Water From A Ground Water Control Area

( ) E. Well Drilling/Modification

IV. WELL OR LAND PARCEL LOCATION REQUESTED

District Puna

Island Hawaii

County Hawaii

Tax Map Key 3-1-3-2-98

Area of Parcel 14,203 sq. ft.

(Indicate in acres or sq. ft.)

Term (if lease) \_\_\_\_\_

V. (1) Identification of applicant or proposing agency:

PHILIP G. KAHN

(2) Identification of approving agency, if applicable:

Department of Land and Natural Resources and any other  
government agency including Hawaii County Planning  
Department--SMA

(3) Identification of agencies consulted in making assessment:

D.L.N.R.

Hawaii County Planning Department

Department of Health (Wastewater Branch)

Aqua-Waste Engineers, Kailua-Kona

UH Hilo Agriculture County Extension Agent Deborah Ward

United States Department of Agriculture Soil Conservation  
Service (Shirley Kaneshiro Soil Conservationist (Hilo)

961-5502)

(4) General description of the action's technical, economic,  
social, and environmental characteristics:

Construction of a single family dwelling.

Special emphasis has been given to low impact design  
solutions and the primary objective is to  
establish a completely integral dwelling (self-sufficient),  
i.e., energy system etc. (photo voltaics & natural  
ventilation etc.).

Our home will be owner occupied, not to be rented. The parcel is very private and is isolated from the activities in the surrounding area both visually and acoustically.

(5) Summary description of the affected environment, including suitable and adequate location and site maps:

This parcel is currently vacant. The natural slope and contours of the parcel has dictated an open design, raised above the ground and its location, nestled up against the slope, would allow the structure to be built without bulldozing. Not bulldozing this parcel will facilitate more control over protecting the existing vegetation. The design of the structure will harmonize with the surrounding environment. Any areas affected by construction will be revegetated to its original nature. There will be a cinder pathway for access to open space areas. (See topographic map.) No endangered or rare species of plants or animals have been identified on the parcel. No mature trees will be cut down.

(6) Identification and summary of major impacts and alternatives considered if any:

There will be no drainage and erosion control problem due to the fact that there will be no bulldozing. Any runoff from

the house will be caught with a water catchment system. Waste water shall be kept to a minimum. All plumbing fixtures, faucet and shower heads to be low water consumption type (restrictive flow) (1.6 gallon toilet). Sewage treatment and wastewater shall meet or exceed State of Hawaii, Department of Health regulations. Based on recommendation from Terry Kearney, Environmental Engineer (543-8296), Department of Health Waste Water Branch, and Dennis Reid of Aqua-Waste Engineers (329-8266), a standard septic system consisting of a 1200 gallon plastic tank and 144 square feet of seepage bed consisting of 3" x 20' ± trench of sand and or soil. Given the area has so few homes and elevation above sea level (75'±) (U.S.G.S. Bench Mark 80'), secondary treatment or an individual home wastewater treatment plant is not necessary. Views will not be significantly affected because of the low profile of the dwelling. The height of the roof at the apex shall not exceed 35' (which is the height limit in residential areas) and the relationship between the elevation of the highway to the parcel, protects the viewplane. Views to the ocean are obscured by the existing 15-18' high embankment. Biological impacts will be minimum because I will not be cutting down any trees and according to my "Special Management Area Minor Use Permit", Permit No. 87- 6, dated January 23, 1987, there are no known historic sites (see also publication by Bishop Museum, June 1972, "An

Archaeological Reconnaissance of Proposed Kapoho - Kalapana Highway"). Traffic on Highway 137 shall not be impeded because of generous shoulder at entrance of a pre-existing easement.

(7) Proposed mitigation measures, if any.

After identifying the contours of the topography as a part of the conditions of the variance granted by the Board (see also C.D.U.A. File No. HA-12/1/86 - 1981) Dated, July 2, 1987, I identified several potential building sites. The area selected was best suited because it utilizes an area which is less desirable for anything else (slope) and allows the relatively level areas to remain open space.

(8) Determination

This proposal by it's open design, minimal size and conscious design effort, will perpetuate the lifestyle and tradition of this fishing community and it is compatible with the objectives of the resource subzone which is to develop areas with proper management, to ensure sustained use of the natural resources of those areas.

(9) Findings and reasons supporting determination

After consulting the various agencies and individuals, some of whom are mentioned in this report, the proposal addresses the concerns of the Board. Also having completed an

architectural education, I feel qualified to say this project is an appropriate proposal for a conservation district. I will be the builder and it is my primary concern to maintain strict control of the construction process to insure that precautions are taken to prevent eroded soil, and debris from blowing, by damping loose soil, and/or petroleum products leaching or flowing into coastal waters, by proper storage and loading of fuel. Recommendations from U. S. Department of Agriculture, Soil Conservation, Shirley Kaneshiro, Soil Conservationist, were if equipment which uses gasoline is up to par and is in good running order and care is used in storage, and that dispensing of gasoline be done in the bed of a pickup during the construction phase, this would minimize any splashing. Also planting of grass seed and or windbreak trees were recommended to prevent erosion and control sediment, however because of the parcels small size and the fact no bulldozers shall be used--she felt erosion to be of no adverse impact.

VI. Summary of Proposed Use (what is proposed)

Construction of a single family's dwelling, which will consist of a two bedroom one bath Type V - Wood Construction, Concrete Foundation, approximately 1,250 sq. ft.; parking will be located under the first floor on a concrete slab where also

Page 2f

a small quantity of gasoline for back up generator (2000 watt) will be stored in approved container (5 gallon). Pole house type construction will be employed to minimize impacts on topography; water catchment system to consist of 10,000 gallon ferro-cement tank with all roofs connected with gutter and drain. All trees to remain (see topographic site plan); access from existing cinder easement. Driveway will also be crushed black cinder; landscaping to remain as is.



INFORMATION REQUIRED FOR ALL USES

I. Description of Parcel

A. Existing structures/Use.

None - Vacant

B. Existing utilities.

No utilities in area.

C. Existing Access.

See enclosed maps, Kalapana-Kapoho Government Beach Road, State Highway #137, 60 ft. wide asphalt paving. Easement is crushed cinder, 40' wide and reduces down to a 12' wide, crushed cinder easement. See surveyors map enclosed. (Donald Murray Land Surveyor Hilo)

D. Vegetation.

See Topographic Map enclosed. No known rare or endangered species of plants or animals. See SMA Minor Use Permit No. 87-6, dated January 23, 1987.

Other vegetation found on this parcel are weedlike shrubs identified by Deborah Ward University of Hawaii Agriculture County Extension Agent 959-9155 as follows:

- \* ageratum
- \* asiatica (buddleja)
- \* bioenspilosa (Spanish Needle)
- \* desmodium
- \* graptophyllum pictum
- \* lantana
- \* legumes
- \* melochia
- \* microsorium scolopendria (lvae fern)
- \* pluchea (Indica)
- \* sedge (Cyperus species)

E. Topography.

Rough A'A. An existing house (owner, Peter B. Allen TMK No. 1-3-02-34), is located between shoreline and subject parcel. The elevation is approximately 75' above sea level (Benchmark U.S.G.S. 80') and is 250-300 ft back from shoreline. See topographic map enclosed.

F. If shoreline area, describe shoreline.

Not shoreline.

G. Existing covenants, easements, restrictions.

No covenants or restrictions except conservation zone designation. The property has an existing easement for access. (Please see map.)

H. Historic Sites Affected.

There are no identified historic sites on the property, see SMA Minor Use Permit No. 87-6, 1-23-87.

Publication by Bishop Museum, June 1973. "An Archaeological Reconnaissance of Proposed Kapoho-Kalapana Highway".

II. Description. Construction of a single family residence for myself, wife and child to enjoy. Included will be construction of a septic system, cinder driveway and catchment water system. Landscaping will be with existing species.

III. Commencement Date: Within 120 days of Approval of DLNR

Completion Date: One Year From Commencement

IV. Type of use requested.

Permitted Use (exception occasional use);

1. DLNR Title 13, Chapter 2, Section \_\_\_\_\_ ;  
Subzone \_\_\_\_\_ .
2. Accessory Use (accessory to a permitted use);  
DLNR Title 13, Chapter 2, Section \_\_\_\_\_ ;  
Subzone \_\_\_\_\_ .
3. Occasional use: Subzone \_\_\_\_\_ .
4. Temporary Variance: Subzone \_\_\_\_\_ .
- \* 5. Conditional Use: Subzone Resource.

Area of Proposed Use 14,203 square feet  
(Indicate in acres or sq. ft.)

Name & Distance of Nearest Town or Landmark  
Opihikao Church, Approximately One Mile (East)

Boundary Interpretation (If the area is within 40 feet of the boundary of the Conservation District, include map showing interpretation of the boundary by the State Land Use Commission).

Conservation District Subzone Resource  
County General Plan Designation Open - (Orchards)

V. FILING FEE

1. Enclose \$50.00. All fees shall be in the form of cash, certified or cashier's check, and payable to the State of Hawaii.
2. If use is commercial, as defined, submit additional public hearing fee of \$50.00.

INFORMATION REQUIRED FOR CONDITIONAL USE ONLY

I. Plans: (All plans should include north arrow and graphic scale).

- A. Area Plan: Area plan should include but not be limited to relationship of proposed uses to existing and future uses in abutting parcels; identification of major existing facilities; names and addresses of adjacent property owners.
  - B. Site Plan: Site plan (maps) should include, but not be limited to, dimensions and shape of lot; metes and bounds, including easements and their use; existing features, including vegetation, water area, roads, and utilities.
  - C. Construction Plan: Construction plans should include, but not be limited to, existing and proposed changes in contours; all buildings and structures with indicated use and critical dimensions (including floor plans); open space and recreation areas; landscaping, including buffers; roadways, including widths; offstreet parking area; existing and proposed drainage; proposed utilities and other improvements; revegetation plans; drainage plans including erosion sedimentation controls; and grading, trenching, filling, dredging or soil disposal.
  - D. Maintenance Plans: For all uses involving power transmission, fuel lines, drainage systems, unmanned communication facilities and roadways not maintained by a public agency, plans for maintenance shall be included.
  - E. Management Plans: For any appropriate use of animal, plant, or mineral resources, management plans are required.
  - F. Historic or Archaeological Site Plan: Where there exists historic or archaeological sites on the State or Federal Register, a plan must be submitted including a survey of the site(s); significant features; protection, salvage, or restoration plans.
- II. Subzone Objective: Demonstrate that the intended use is consistent with the objective of the subject Conservation District Subzone (as stated in Title 13, Chapter 2).

JOHN WAIHEE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
P. O. BOX 621  
HONOLULU, HAWAII 96809

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

LIBERT K. LANDGRAF  
DEPUTY

AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
CONSERVATION AND  
ENVIRONMENTAL AFFAIRS  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

DOC.: 3046E

APPLICANT'S CHECKLIST  
CONSERVATION DISTRICT USE APPLICATION  
(CDUA)

- // Eighteen (18) Copies of the CDUA
- // \$50 Filing Fee
- // \$50 Public Hearing Fee
- // Shoreline Management Act Permit (From County Planning Agency)
- // Tax Map Key(s) Determined
- // Conservation District Sub-Zone Determined
- // Landownership Determined
- // Agent Established
- // Applicant Has Signed the CDUA
- // Applicant Has Provided a Division Map
- // Applicant Has Provided a Zone Map
- // Applicant Has Provided a Section Map
- // Applicant Has Provided a Plat Map
- // Applicant Has Provided a Parcel Map
- // Applicant Has Provided Project Plans
- // Applicant Has Provided Project Photographs
- // Applicant Has Provided Eighteen (18) Copies of the Environmental Assessment
- // Applicant Has Provided Eighteen (18) Copies of the Environmental Impact Statement
- // Applicant has Filed a Previous CDUA: FILE #HA-12/1/86 86-1981
- // Other

DOCUMENT FOR PUBLICATION IN THE OEQC BULLETIN

Date: 8 / 13 / 90

Prepared by: Applicant: PhilipKahn

The document is a (check all that apply)

Chapter 205A Document	( )	Negative Declaration	( X )
Chapter 343 Document	( )	EIS Preparation Notice	( )
NEPA Document	( )	Draft EIS	( )
		Final EIS	( )
		Acceptance Notice	( )

Is the document a supplemental EIS? Yes ( ) No ( X )

Title of Proposed Action or Project: Kahn House

Location: Island Hawaii District Puna

Type of Action (check one): Applicant ( X ) Agency ( )

Name of Proposing Applicant or Agency: Philip G. Kahn (Owner)

Name of Contact: Self, Same as above

Address: P. O. Box 6064

City: Kamuela, State: Hawaii, Zip Code: 96743

Phone: (808) 889-5174

Name of Preparer or Consultant: Same as above.

Name of Contact: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip Code: \_\_\_\_\_

Phone: ( ) \_\_\_\_\_

Accepting Authority: \_\_\_\_\_

Estimated Project Cost:

Federal Funds	\$ _____
State Funds	\$ _____
County Funds	\$ _____
Private Funds	\$ <u>30,000.00</u>
TOTAL	\$ _____

Document Preparation Cost:

Neg Dec/EA	\$ _____
Draft EIS	\$ _____
Sup Draft EIS	\$ _____
Sup Final EIS	\$ _____
TOTAL	\$ _____

EA Trigger (check all that apply)

- ( ) Use of State or County Lands or Funds
- ( X ) Use of Conservation District Lands
- ( ) Use of Shoreline Setback Area
- ( ) Use of Historic Site or District
- ( ) Use of Lands in the Waikiki Special District
- ( ) Use Requiring an Amendment to a County General Plan

NOTE: For answers to any question on Page 10 or 11,  
please contact the Office of Environmental  
Quality Control at (808) 548-6915.

[OEQC Form 89-01 (1/89)  
Page 1 of 2]

- ( ) Use Requiring the Reclassification of Conservation Lands
- ( ) Construction or Modification of Helicopter Facilities
- ( ) Other \_\_\_\_\_

Brief Description of the Proposed Action or Project which will be Published in the OEQC Bulletin (limit of 500 words or less): \_\_\_\_\_

Construction of a single family residence within a conservation district.

Special preference has been given to low impact design solutions so as to minimize any negative impacts to the coastal environment.

This residence will by its open design and minimal size perpetuate the lifestyle and traditions of this fishing community.

(Continue on another sheet if necessary)

Tax Map Key(s): (3) 1-3-2:98 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

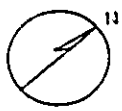
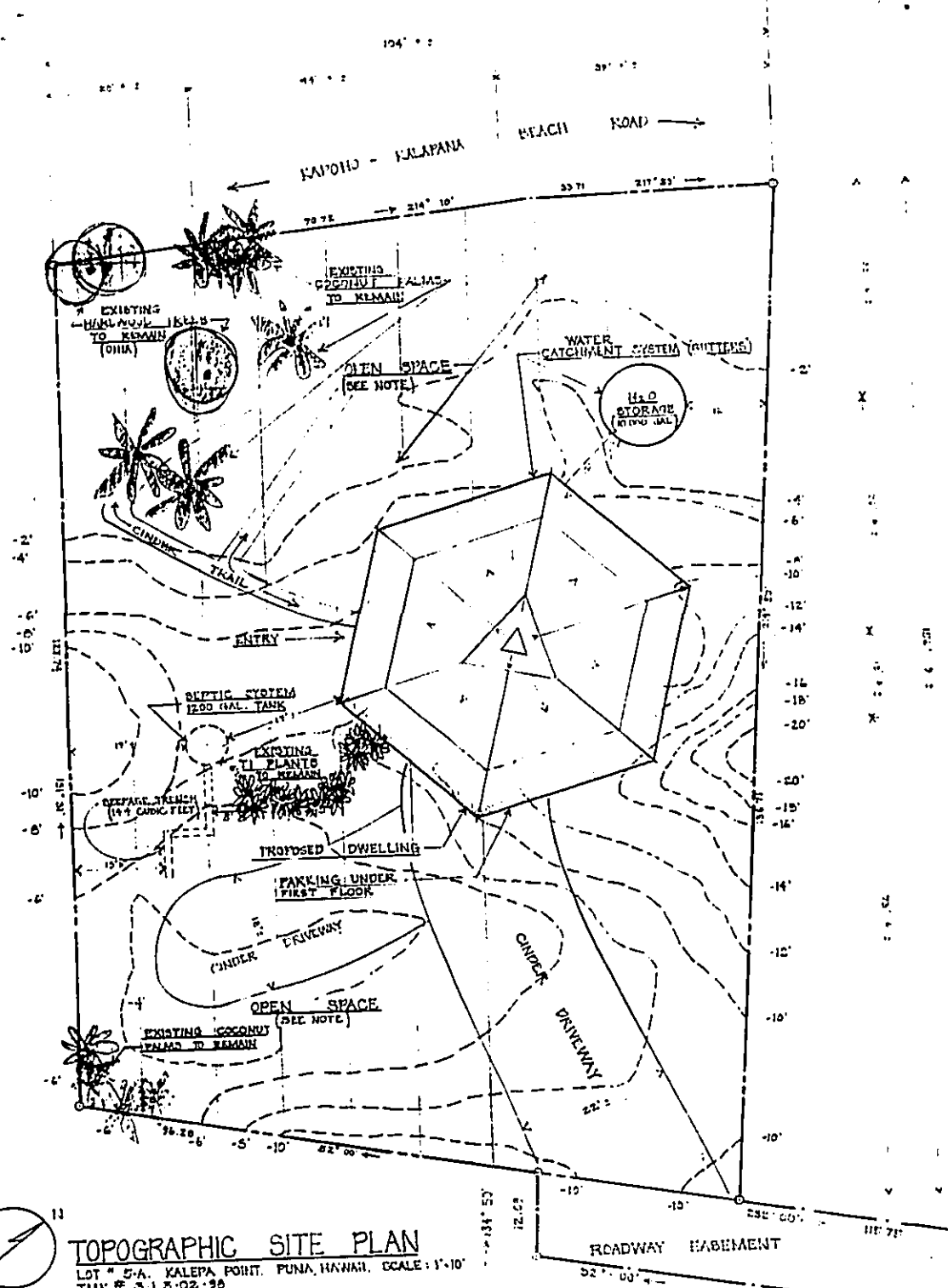
**FOR OEQC USE ONLY**

Date of Submission:  
 Date of Publication:  
 Last Day for Consulted  
 Party Request:  
 Comment Period Ends:  
 Acceptance Date:  
 Publication Date of  
 Acceptance:

OEQC # \_\_\_\_\_  
 Planner: \_\_\_\_\_







**TOPOGRAPHIC SITE PLAN**  
 LOT # 5-A, KALEPA POINT, PUNA, HAWAII. SCALE: 1"=10'  
 TIME # 313-02-98

**NOTES:**

- SEPTIC SYSTEM IS MEET PUBLIC HEALTH REQUIREMENTS. (ENGINEERED)
- ALL ROOFS SHALL HAVE GUTTERS FOR RAIN COLLECTION INTO CATCHMENT SYSTEM FOR EROSION CONTROL.
- OPEN SPACE AREAS VEGETATION, CONSISTING OF WIND LIKE SHRUBS IDENTIFIED IN C.D.M.A. APPLICATION TO REMAIN. (SEE ITEM 1.2. VEGETATION)



SUMMARY OF COMMENTS:

This application was sent to the following agencies for their review and comment: the County of Hawaii Planning Department, and Department of Public Works; the State of Hawaii Department of Health, Department of Transportation-Highways Division, Department of Planning and Economic Development, Office of Environmental Quality Control, Environmental Council, Office of Hawaiian Affairs, and the Department of Land and Natural Resources Divisions of Aquatic Resources, Forestry and Wildlife, Conservation and Resources Enforcement, Water and Land Development, State Parks/Historic Sites, Land Management, and the Natural Area Reserves System. Their comments are as follows:

Planning Department

We have no objections to the grubbing and grading activity as proposed in the subject application.

Our Public Works Department states that "the proposed earthwork, as described, does not require a grading or grubbing permit".

By separate letter dated January 23, 1987, an SMA Minor Use Permit No. 87-6 was granted for this activity which is located within the County's Special Management Area (SMA). (See Attachment A).

Aquatic Resources

The proposed activity should have no effect on aquatic resource values, but precautions should be taken to prevent eroded soil, debris and petroleum products from blowing, leaching or flowing into coastal waters.

Water and Land Development

Appropriate erosion and sediment control measures should be utilized to prevent degradation of near shore waters, located 315 feet makai of the subject properties.

State Parks/Historic Sites

Historic Sites Concerns

The applicant proposes to grub and grade Lot 5A (c. 14,000 sq. ft.) and a short access road.

Our records do not indicate that these specific parcels have ever undergone archaeological survey; however, it seems likely that most or part of them were covered by the Bishop Museum survey for the Kapoho-Kalapana Highway done 1972 (Bevacqua & Dye 1972). This survey found no historic sites in the area.

Mr. Kahn also indicates that he found no historic sites in an inspection of the parcel. This likely means that no large sites such as walls or platforms are present.

Given the highway survey findings, the findings of Mr. Kahn, and the small size of the parcels, we believe the parcels are unlikely to contain significant historic sites. The undertaking, thus, should have "no effect" on significant historic sites.

However, if historic remains are found during the grubbing and grading, such as artifacts, burials, or old firepits, the applicant should be instructed to stop work in the immediate area and contact our office at 548-7460. This will enable us to assess the situation and make recommendations for any mitigation, if needed.

Recreation Concerns

There are no known public park interests.

The County of Hawaii Department of Public Works; the State of Hawaii Department of Health, Office of Environmental Quality Control, Department of Planning and Economic Development, Department of Transportation, and Department of Land and Natural Resources Division of Land Management and the Natural Area Reserves System had no objections to the proposed use.

ANALYSIS:

Following review and acceptance of the application for processing, the applicant, by letter dated January 6, 1987, was notified that:

1. The proposed use is a conditional use in the Resource Subzone of the Conservation District according to Title 13, Chapter 2, Administrative Rules, as amended;
2. No public hearing pursuant to Chapter 183-41, Hawaii Revised Statutes, as amended, was required in that the proposed use is of a non-commercial nature; and
3. A negative declaration in accordance with Title 11, Chapter 200 of the Administrative Rules, has been determined for the proposed use, and written clearance from the County of Hawaii regarding SMA requirements has been obtained.

The objective of the Resource subzone is to develop, with proper management, areas to ensure sustained use of the natural resources of those areas.

Section 13-2-21(b)(1) relating to standards requires all applications be reviewed in such a manner that the objective of the subzone is given primary consideration.

The proposed use involves grubbing and grading of the applicant's property (1-3-2: 98) in order to clear and survey the property for design and future construction of a single family residential use. However, in discussions with the applicant, Staff has found that the applicant does not know when, if ever, he would pursue the single family residential use. His current financial situation prohibits him from fully designing and constructing a dwelling at this time.

Staff had initially encouraged the applicant to include the single family residential use as a part of his CDUA. However the applicant felt that he would rather wait until his financial situation improved.

This application also involves the construction of a driveway on TMK: 1-3-2: 34 to the applicant's property. Consent from the property owner has been obtained.

After reviewing the comments from the various agencies, Staff finds that the proposed use will not result in any long-term negative impacts on the Conservation zoned lands. Furthermore, Staff believes that the proposed use is compatible with the existing use in the area and consistent with the objective of the Resource Subzone.

Therefore, Staff recommends as follows:

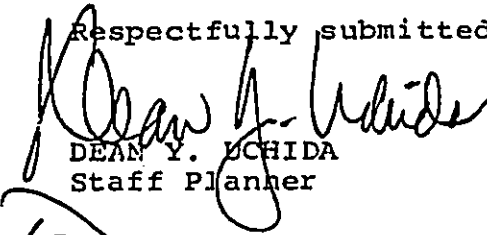
RECOMMENDATION:

That the Board approve this request for grubbing and grading on TMK: 1-3-2: 34 and 98 at Puna, Hawaii subject to the following:

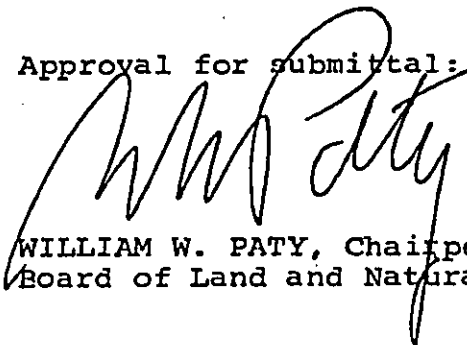
1. The applicant shall comply with all applicable statutes, ordinances, rules and regulations of the Federal, State and County governments, and applicable parts of Section 13-2-21, Administrative Rules, as amended;
2. The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit;
3. If any unanticipated sites or remains of historic or prehistoric interest (such as shell, bone or charcoal deposits, human burials, rock or coral alignments, paving, or walls) are encountered during construction, the applicant shall stop work and contact the Historic Preservation Office at 548-7460 or 548-6408 immediately;
4. The applicant shall comply with all applicable Public Health Regulations;
5. The applicant shall provide documentation (i.e. book and page number) that this approval has been placed in recordable form as a part of the deed instrument, prior to submission for approval of subsequent construction plans;

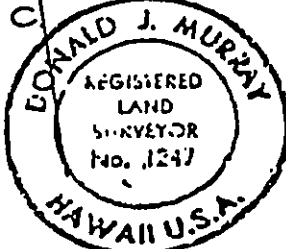
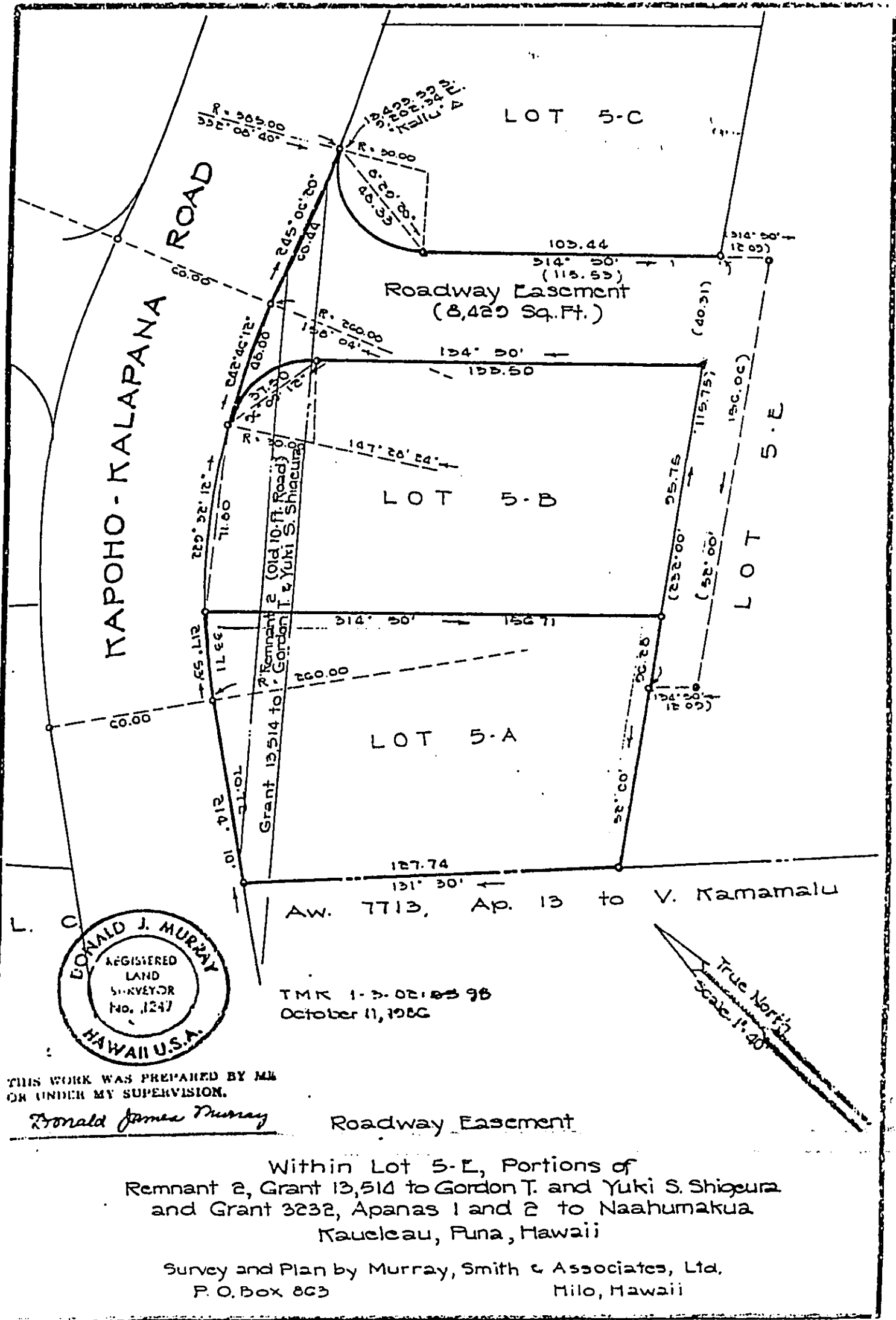
6. Any construction, alteration, moving, demolition and repair of any building or other improvements on lands within the Conservation District, authorized by the Board, shall be subject to the building codes of the respective counties in which the lands are located; provided that prior to the commencement of any construction, alteration, or repair of any building, or other improvement four (4) copies each of the final location map, plans, and specifications shall be submitted to the Chairperson, or his authorized representative, for approval of which three (3) copies will be returned;
7. Any work or construction to be done on the land shall be initiated within one (1) year of the approval of such use, and all work and construction must be completed within three (3) years of the approval of such use. Failure to comply with this condition shall render this application null and void;
8. Precautions must be taken to prevent eroded soil, debris and petroleum products from blowing, leaching or flowing into coastal waters;
9. Appropriate erosion and sediment control measures must be utilized to prevent degradation of near shore waters, located 315 feet makai of the subject properties;
10. Should the applicant desire to construct a single family residential dwelling in the future, a new CDUA will be required; and
11. Other terms and conditions as prescribed by the Chairperson.

Respectfully submitted,

  
DEAN Y. ICHIDA  
Staff Planner

Approval for submittal:

  
WILLIAM W. PATY, Chairperson  
Board of Land and Natural Resources



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

*Donald James Murray*

Aw. 7713, Ap. 13 to V. Kamamalu

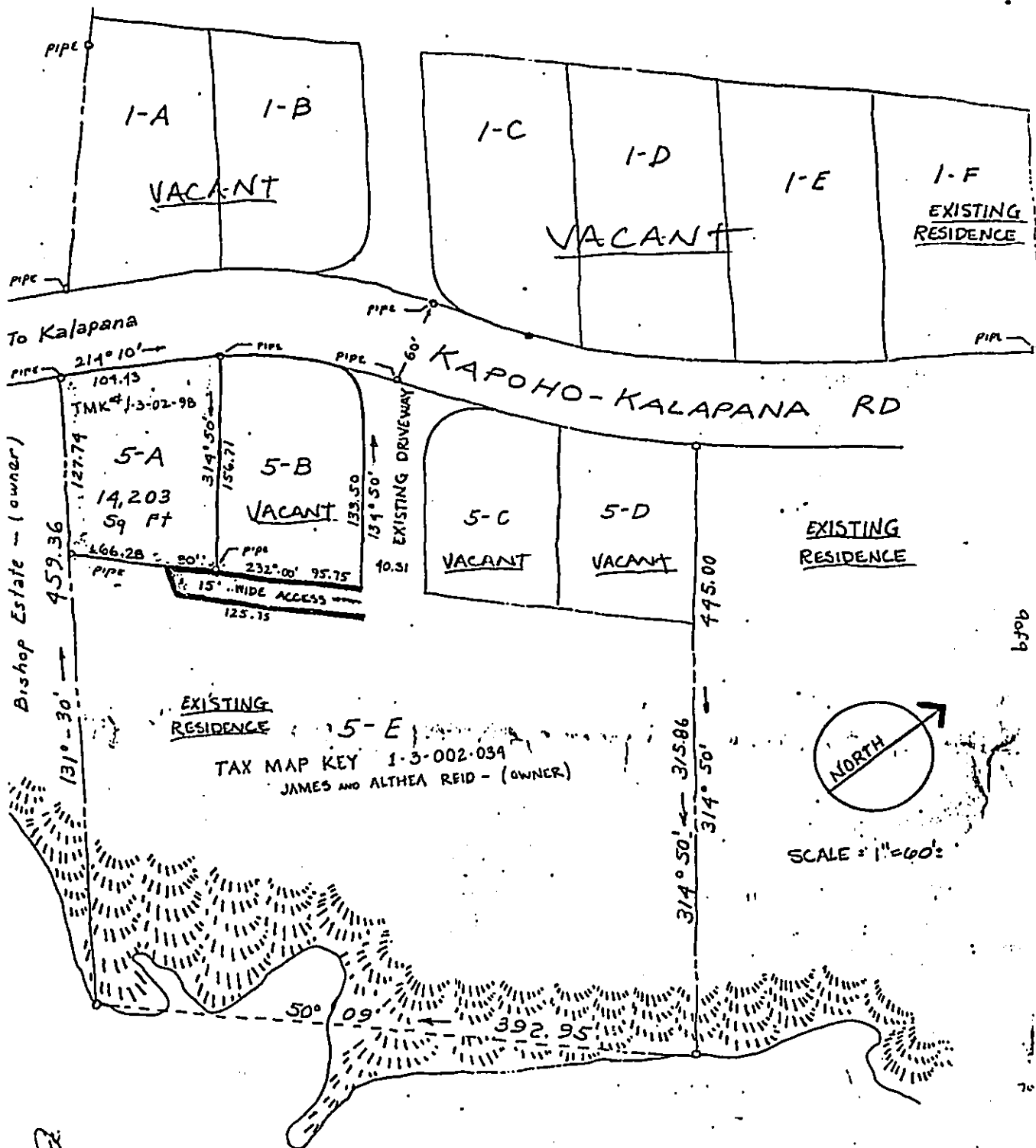
TMK 1-3-02183 98  
October 11, 1986

Roadway Easement

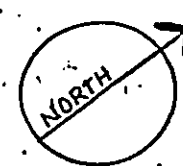
Within Lot 5-E, Portions of  
Remnant 2, Grant 13,514 to Gordon T. and Yuki S. Shigeura  
and Grant 3232, Apanas 1 and 2 to Naahumakua  
Kaueleau, Funa, Hawaii

Survey and Plan by Murray, Smith & Associates, Ltd.  
P. O. Box 863  
Hilo, Hawaii

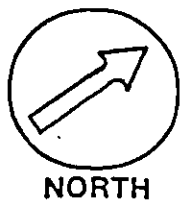




EXISTING RESIDENCE  
 TAX MAP KEY 1-3-002-034  
 JAMES AND ALTHEA REID - (OWNER)



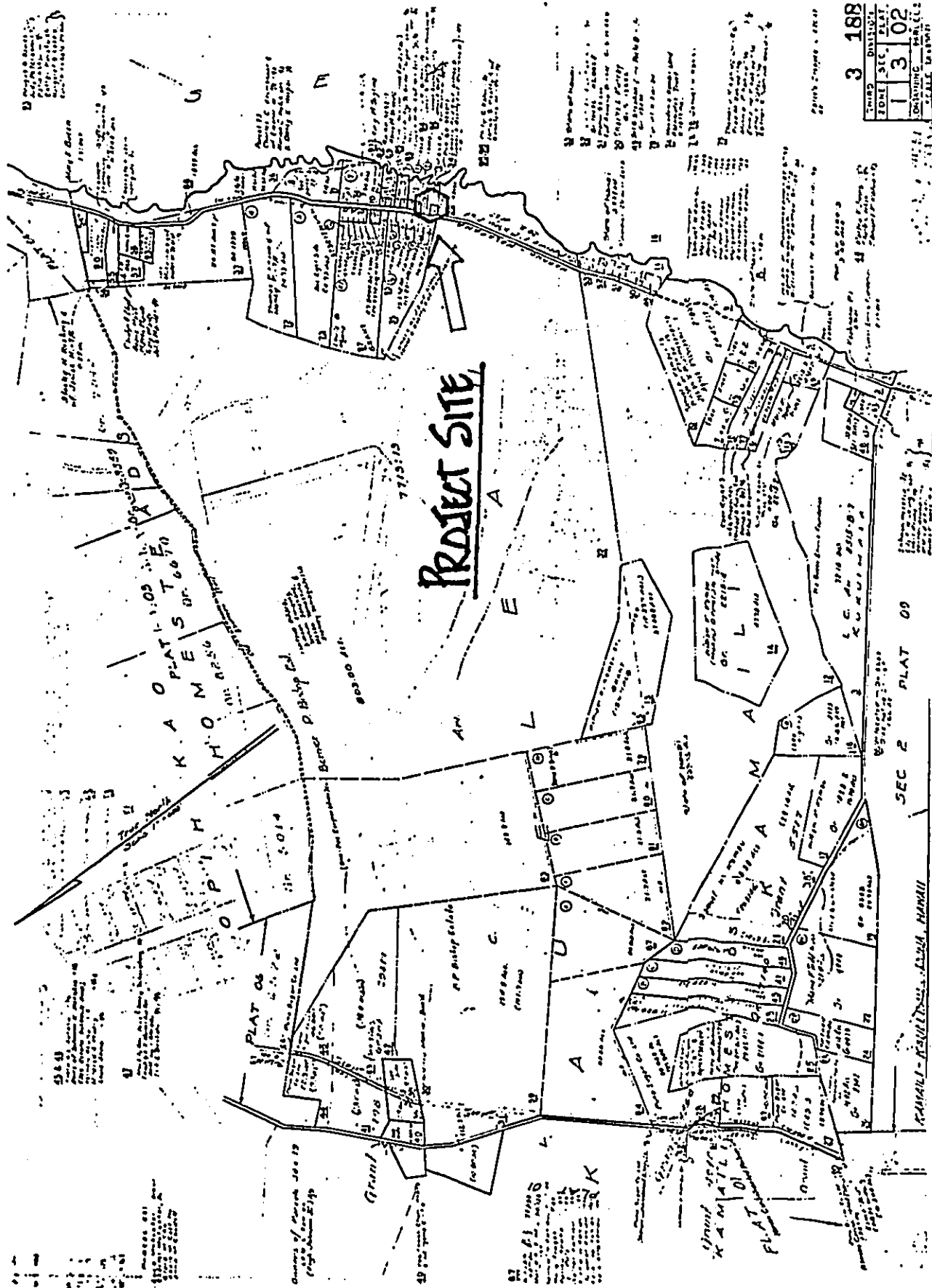
SCALE: 1"=60'



NORTH

CDUA no. H-12/186-1981  
 APPLICANT PHILIP KATH  
 AGENT \_\_\_\_\_  
 TMK 1-3-2-98434  
 SCALE \_\_\_\_\_

SUBZONE		PROTECTIVE RESOURCE
		LIMITED
		GENERAL PROJECT AREA



TOWN	DISTRICT	PLAT
1	3	02
DATE: 11/13/02		
SCALE: 1"=100'		



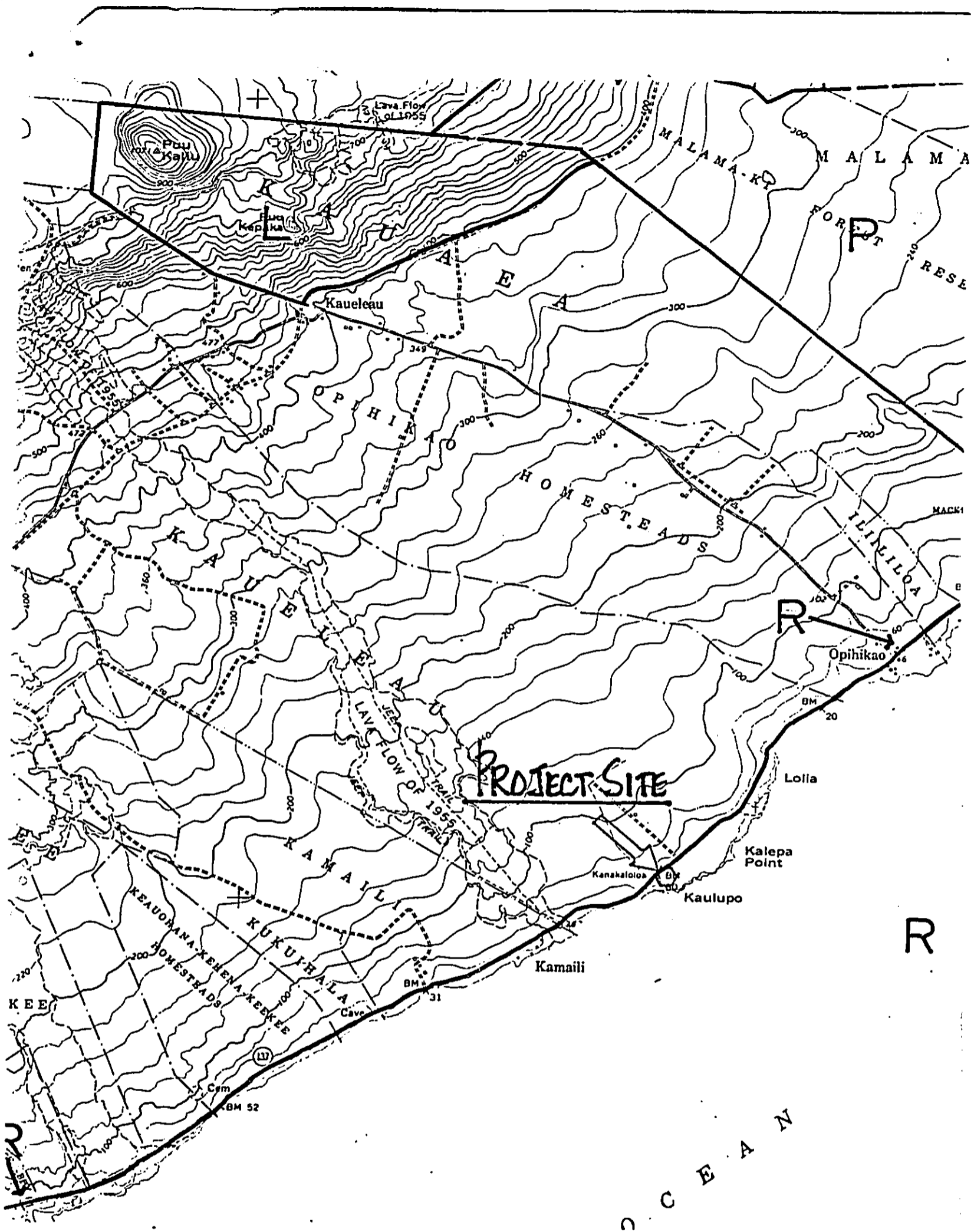
NORTH

CDUA no. HA-121186-1981  
 APPLICANT PHILIP KAHN  
 AGENT \_\_\_\_\_  
 TMK 1-3-2-98334  
 SCALE \_\_\_\_\_

SUBZONE

	PROTECTIVE
	RESOURCE
	LIMITED
	GENERAL

PROJECT AREA



NORTH

CDUA no. HA-121/86-1981  
 APPLICANT PHILIP KAHN  
 AGENT \_\_\_\_\_  
 TMK 1-3-2:98 & 34  
 SCALE \_\_\_\_\_

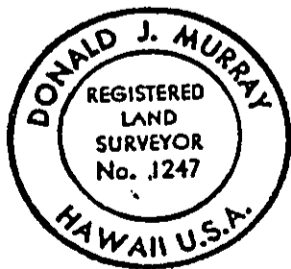
- |         |  |              |
|---------|--|--------------|
| SUBZONE |  | PROTECTIVE   |
|         |  | RESOURCE     |
|         |  | LIMITED      |
|         |  | GENERAL      |
|         |  | PROJECT AREA |

ROADWAY EASEMENT  
 Within Lot 5-E  
 Being Portions of Remnant 2,  
 Grant 13,514 to Gordon T. and Yuki S. Shigeura  
 and Grant 3232, Apanas 1 and 2 to Naahumakua  
 Kaueleau, Puna, Hawaii

Beginning at a point at the northeast corner of this parcel of land and on the southeasterly side of Kapoho-Kalapana Road the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kaliu" being 13,493.59 feet South and 9,202.34 feet East and running by azimuths measured clockwise from true South:

Thence along Lot 5-C along a curve to the left having a radius of 30.00 feet, the chord azimuth and distance being:

- |     |              |   |
|-----|--------------|---|
| 1.  | 8° 29' 20"   | 48.33 feet;   |
| 2.  | 314° 50'     | 103.44 feet along Lot 5-C;  |
| 3.  | 314° 50'     | 12.09 feet;   |
| 4.  | 52° 00'      | 156.06 feet;  |
| 5.  | 134° 50'     | 12.09 feet;   |
| 6.  | 232° 00'     | 115.75 feet along Lot 5-A and Lot 5-B;  |
| 7.  | 134° 50'     | 133.50 feet along Lot 5-B; thence along Lot 5-B along a curve to the left having a radius of 30.00 feet, the chord azimuth and distance being:  |
| 8.  | 96° 09' 12"  | 37.50 feet to a point at the southeasterly side of Kapoho-Kalapana Road; thence along the southeasterly side of Kapoho-Kalapana Road along a curve to the right having a radius of 260.00 feet, the chord azimuth and distance being: |
| 9.  | 242° 46' 12" | 48.00 feet; thence along the southeasterly side of Kapoho-Kalapana Road along a curve to the left having a radius of 585.00 feet, the chord azimuth and distance being:   |
| 10. | 245° 06' 20" | 60.44 feet to the point of beginning and containing an area of 8,429 Square Feet.   |



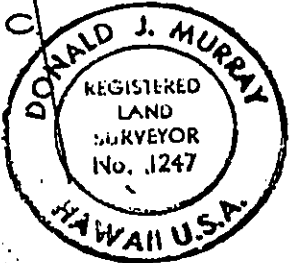
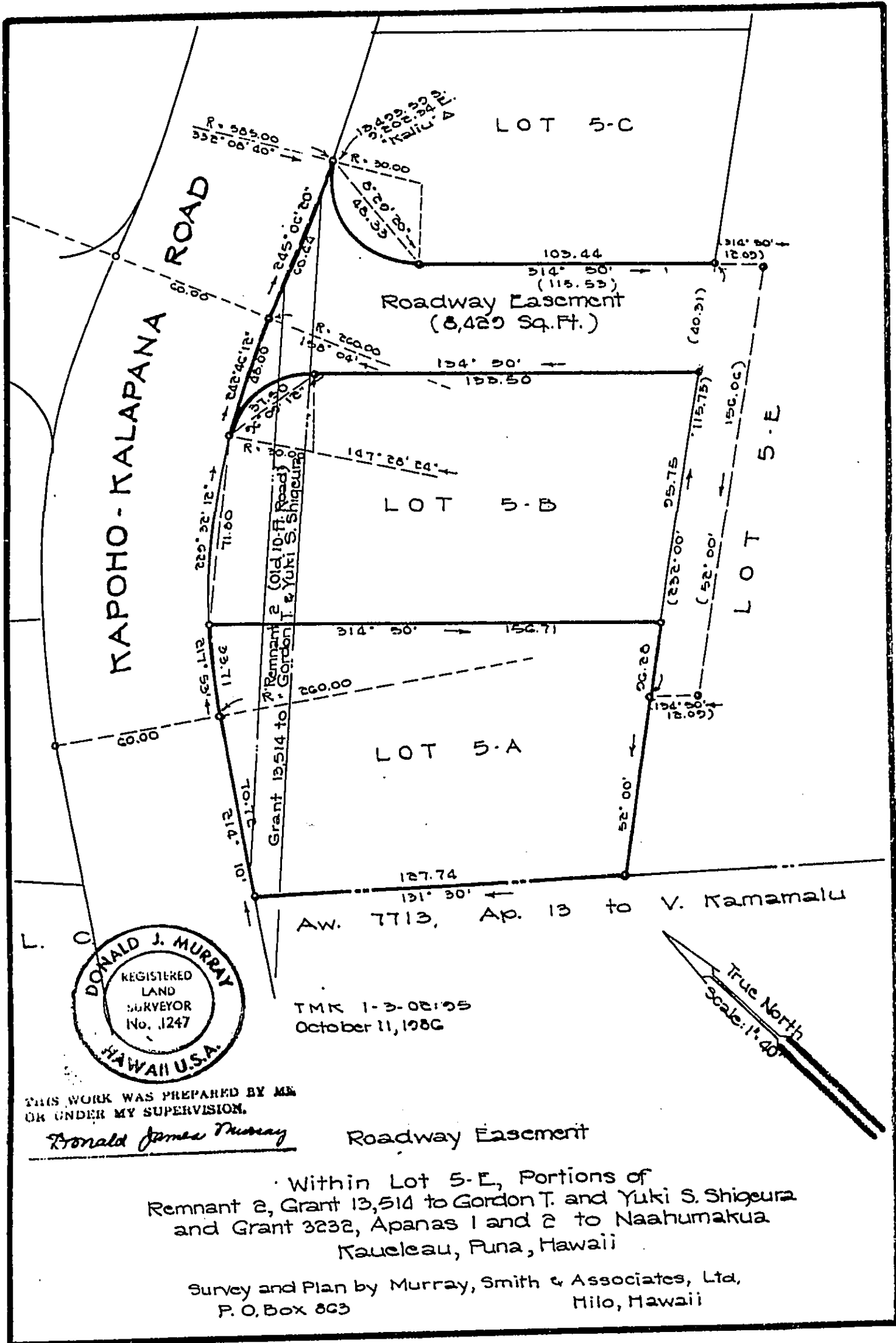
MURRAY, SMITH & ASSOCIATES, LTD.

BY Donald James Murray  
 Donald James Murray  
 Registered Surveyor

Hilo, Hawaii  
 February 11, 1987

*Murray, Smith & Associates, Ltd.*

REGISTERED SURVEYORS  
 HILO, HAWAII



THIS WORK WAS PREPARED BY ME  
OR UNDER MY SUPERVISION.  
*Ronald James Murray*

Aw. 7713, Ap. 13 to V. Kamamalu

TMK 1-3-02195  
October 11, 1980

**Roadway Easement**

Within Lot 5-E, Portions of  
Remnant 2, Grant 13,514 to Gordon T. and Yuki S. Shigeura  
and Grant 3232, Apanas 1 and 2 to Naahumakua  
Kaueleau, Puna, Hawaii

Survey and Plan by Murray, Smith & Associates, Ltd,  
P. O. Box 803  
Milo, Hawaii

JOHN WAIHEE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
P. O. BOX 621  
HONOLULU, HAWAII 96809

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

LIBERT K. LANDGRAF  
DEPUTY

AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
CONSERVATION AND  
ENVIRONMENTAL AFFAIRS  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

FILE NO.: HA-12/1/86-1981  
180-Day Exp. Date: 5/30/87  
DOCUMENT NO.: 0570E

JUL 2 1987

Mr. Philip Kahn  
RR1 Box 4221  
Pahoa, Hawaii 96778

Dear Mr. Kahn:

Conservation District Use Application for  
Grubbing and Grading Use at Puna, Hawaii

We are pleased to inform you that the Board reconsidered your request for grubbing and grading use at Puna, Hawaii and granted you a variance to clear your property subject to the following conditions:

1. That this variance is for hand clearing only, no bulldozer or other heavy equipment is allowed; and
2. That following the completion of the clearing work, the applicant file a Conservation District Use Application for the future use of the property.

Please acknowledge receipt of this permit, with the above noted conditions, in the space provided below. Please sign two copies. Retain one and return the other.

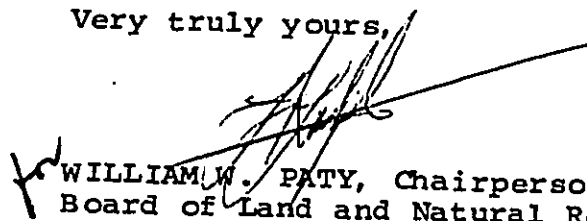
Mr. Philip Kahn

- 2 -

HA-1981

Should you have any questions on any of these conditions, please feel free to contact our Office of Conservation and Environmental Affairs staff at 548-7837.

Very truly yours,

  
WILLIAM W. PATY, Chairperson  
Board of Land and Natural Resources

Receipt acknowledged

  
Applicant's Signature

cc: Hawaii Board Member  
Hawaii Land Agent  
Hawaii County Planning Department  
DOH/OEQC/EC/DPED/OHA

PLANNING DEPARTMENT - PLANNING COMMISSION  
COUNTY OF HAWAII  
Hilo, Hawaii

PERMIT NO. 87-6

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on January 23, 1987, an assessment on the application of PHILIP G. KAHN 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: Rough grading of a 120-foot long driveway and grubbing of a 14,203 square foot parcel located in Kaueleau, Puna, Hawaii, TMK: 1-3-02:98 & 34.

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)

*for* David Muehlen  
Chief Engineer, DPW

A. Paul J.  
Planning Director

Attachment

6257A-5/84



SMA Minor Permit No. 87-6: Philip G. Kahn  
Conditions

1. The petitioner, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Secure a Conservation District Use Permit from the Board of Land and Natural Resources.
3. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered at any time during construction, work in the affected area shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department, when it finds that sufficient mitigative measures have been taken.
4. The petitioner shall stake out the driveway easement and the southeast property line of Parcel 98. No stockpiling or other construction activity shall occur makai of the staked area.
5. Comply with all other applicable rules, regulations and requirements.
6. Should the Planning Director determine that any of the conditions have not been met or substantially complied with in a timely fashion, the Director shall initiate procedures to nullify the permit.

1705Q/1-20-87

BACKGROUND: PHILIP KAHN

Mr. Philip Kahn is requesting a Special Management Area (SMA) Use Permit to allow rough grading of a 120-foot long driveway and grubbing of a 14,203 square foot parcel located in Kaueleau, Puna, Hawaii, Tax Map Key 1-3-02:98 and 34.

Specifically, the applicant proposes to rough grade a 120-foot long driveway approximately 15 feet in width. The driveway would be located on Parcel 34, which is owned by James and Althea Reid. James Reid has given written right-of-way permission to Mr. Kahn for the improvements. The driveway will lead to the applicant's Parcel 98.

The applicant proposes to grub and grade Parcel 98 to remove the overgrown vegetation on the property. This clearing work is needed in order to assess the existing topography of the parcel for the design and construction of a future residence. However, the single-family residential use will not be sought at this time because of financing. Most of the large trees will be left on the property. Only the thick overgrown shrubs of guava, hala and weeds will be removed. The total graded area will involve less than 100 cubic yards of material, and no cuts or fills will be greater than 5 feet. The total valuation of the proposed improvements is estimated to be \$800.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area as Orchards. The State Land Use District Classification is Conservation. The County Zoning is Open.

Except for dense vegetation, the subject property is currently vacant. Surrounding properties to the northeast, northwest, and east are vacant. Parcel 34 contains a single-family dwelling as well as a lot to the north.

The soils of the area are classified Malama Series by the Soil Survey Report, prepared by the Soil Conservation Service-Department of Agriculture. This series consists of well-drained, thin, extremely stony organic soils over Aa lava. Permeability is rapid, runoff is very slow and the erosion hazard is slight.

Access is via Kalapana-Kapoho Beach Road, which has a 60-foot wide right-of-way.

The proposed activities are approximately 110 feet from the shoreline cliffs.

The applicant has applied for a Conservation District Use Permit from the Board of Land and Natural Resources. Pursuant to Chapter 343, HRS, relating to Environmental Impact Statements, the Department of Land and Natural Resources issued a negative declaration of the proposed action, which was subsequently published in the Office of Environmental Quality Control bulletin on January 23, 1987.

There are no known archaeological sites associated with the subject parcel. An Archaeological Reconnaissance of Proposed Kapoho-Kalapana Highway, June 1972, conducted by Bishop Museum shows the nearest site to be a cemetery over less than 1/2 mile from the affected site.

The Department of Public Works commented:

"The proposed earthwork, as described, does not require a grading or grubbind [sic] permit.

"The subject lot is not in a flood hazard zone."

#### RECOMMENDATION

An SMA Minor Use Permit is issued based on the following findings:

1. The total valuation of the proposal will not exceed \$65,000; and
2. The proposal will not result in a significant adverse effect on the Special Management Area. There are no known historic sites nor any rare or endangered species of plant or animal identified in the area. Scenic and open space resources of the project site will not be permanently impacted by the proposed activities. The partial clearing of dense vegetation from the roadside lot may create improved viewplanes to the ocean from the Kalapana-Kapoho Beach Road. The site is located within an area of minimal flooding and the proposed project of such a limited nature that the coastal hazards will not be increased.

The proposed project is consistent with the Special Management Area objectives, policies, and guidelines. These were established to provide guidance for the preservation, protection and development of the coastal resources of the State and County. The guidelines identify several areas of management concerns including recreational, historic, and scenic and open space resources, coastal ecosystems, economic uses, and coastal hazards.

The proposed clearing and grading activities are located approximately 110 feet from the shoreline and therefore will not inhibit be detrimental to the coastal ecosystem. Additionally, the project's distance from the shoreline will not inhibit access to or along the shoreline cliffs.

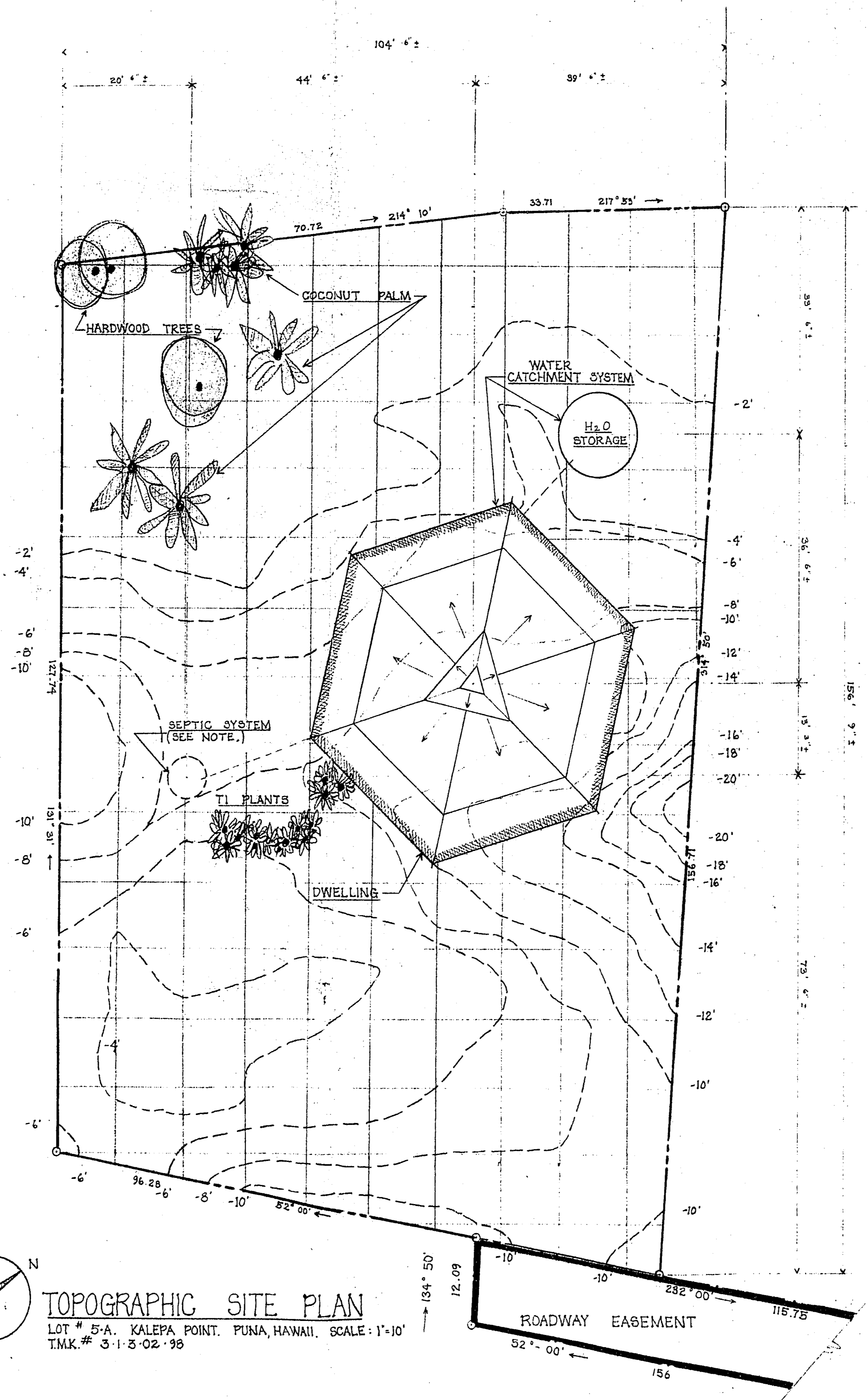
Based on the foregoing, it is determined that the granting of the request will not create a significant adverse effect on the environment and, therefore, will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management; Rule 9 of the Planning Commission relating 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 petitioner, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Secure a Conservation District Use Permit from the Board of Land and Natural Resources.
3. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered at any time during construction, work in the affected area shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department, when it finds that sufficient mitigative measures have been taken.

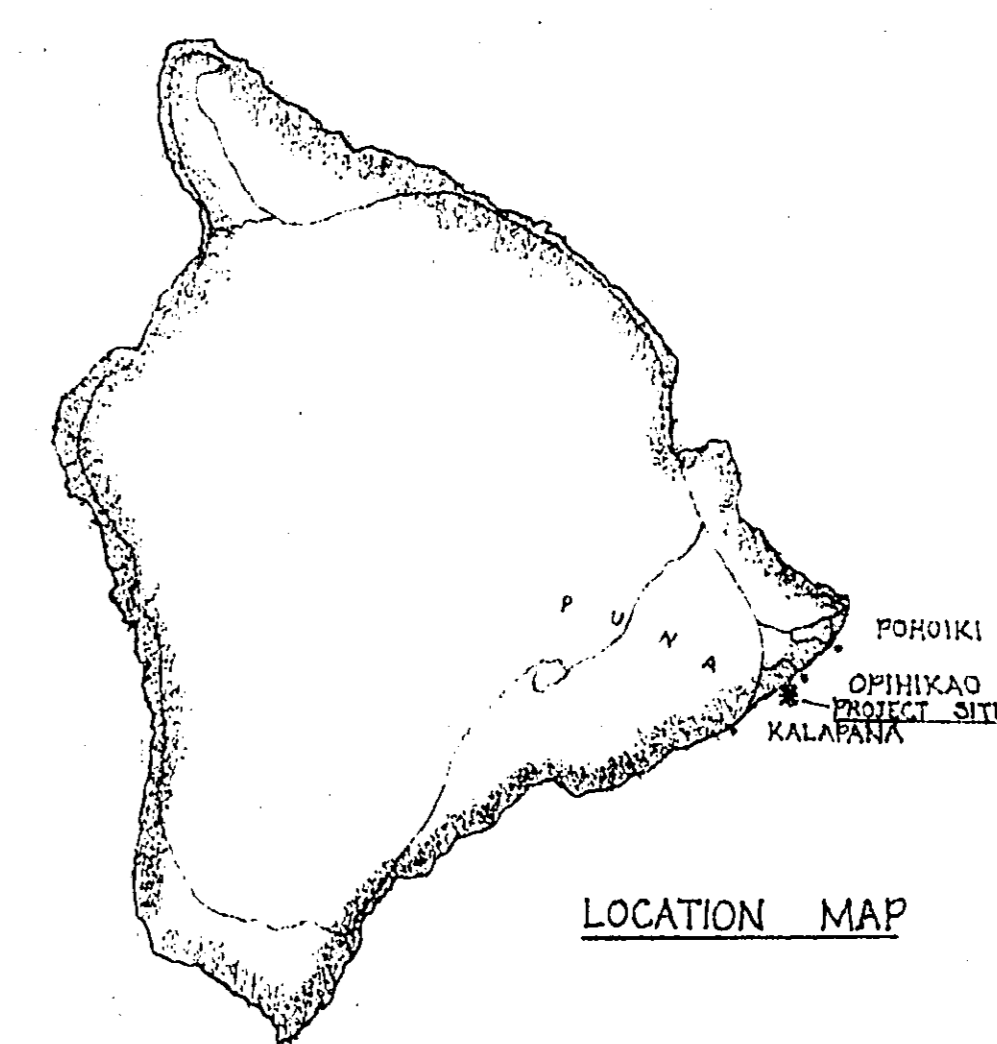
0093 I

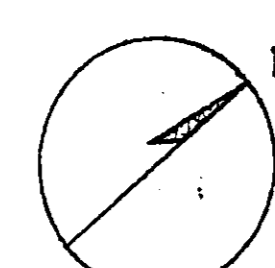
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**NOTES :**

- SEPTIC SYSTEM TO MEET PUBLIC HEALTH REQUIREMENTS. (ENGINEERED.)
- ALL ROOFS SHALL HAVE GUTTERS FOR RAIN COLLECTION INTO CATCHMENT SYSTEM FOR EROSION CONTROL.



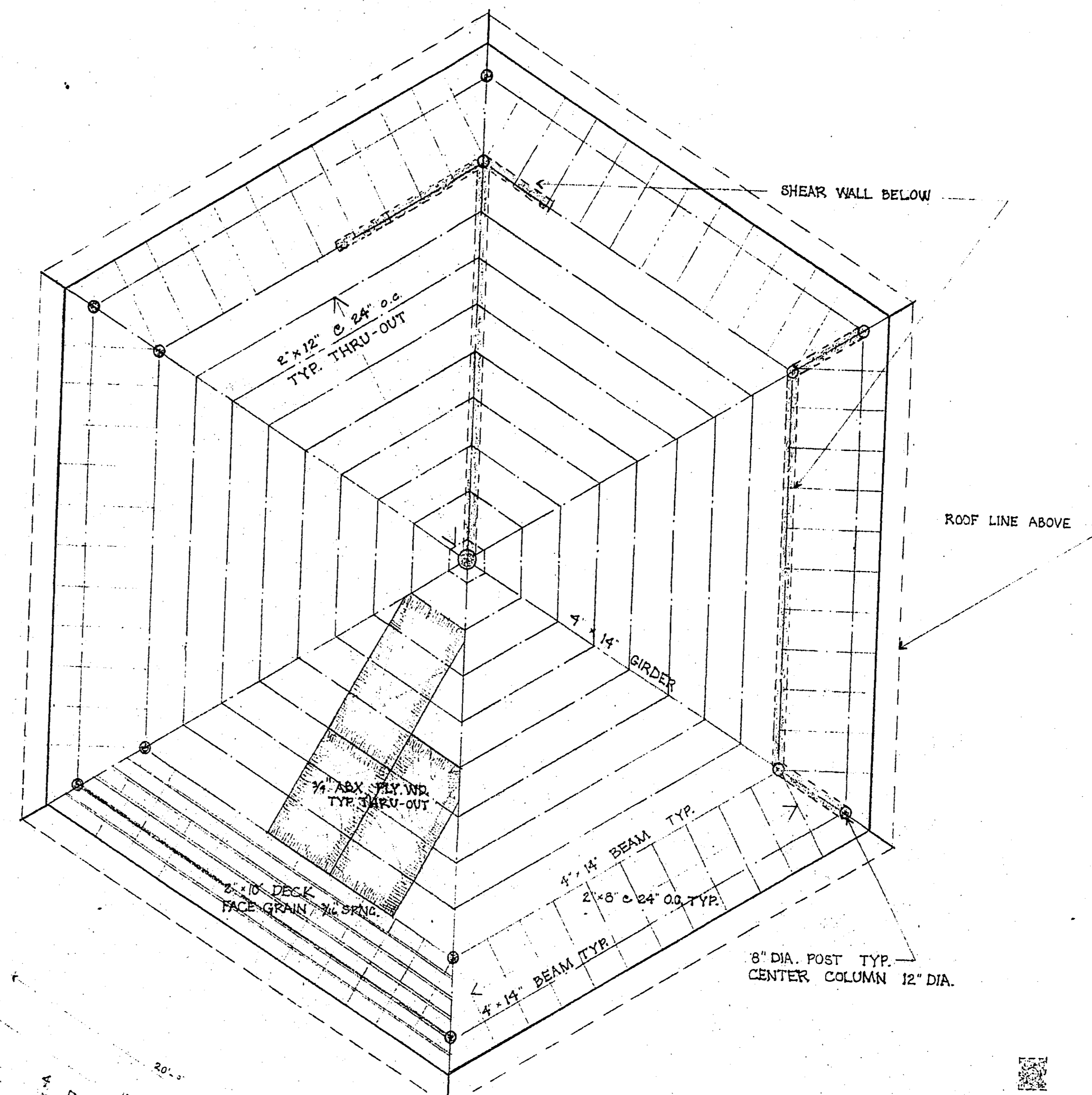

**TOPOGRAPHIC SITE PLAN**  
 LOT # 5-A, KALEPA POINT, PUNA, HAWAII. SCALE: 1"=10'  
 TMK. # 3-1-3-02-98

**KAHN HOUSE** TMK. 1-3-02-98  
 PROPOSAL FOR SINGLE FAMILY RESIDENCE. PK 3-89

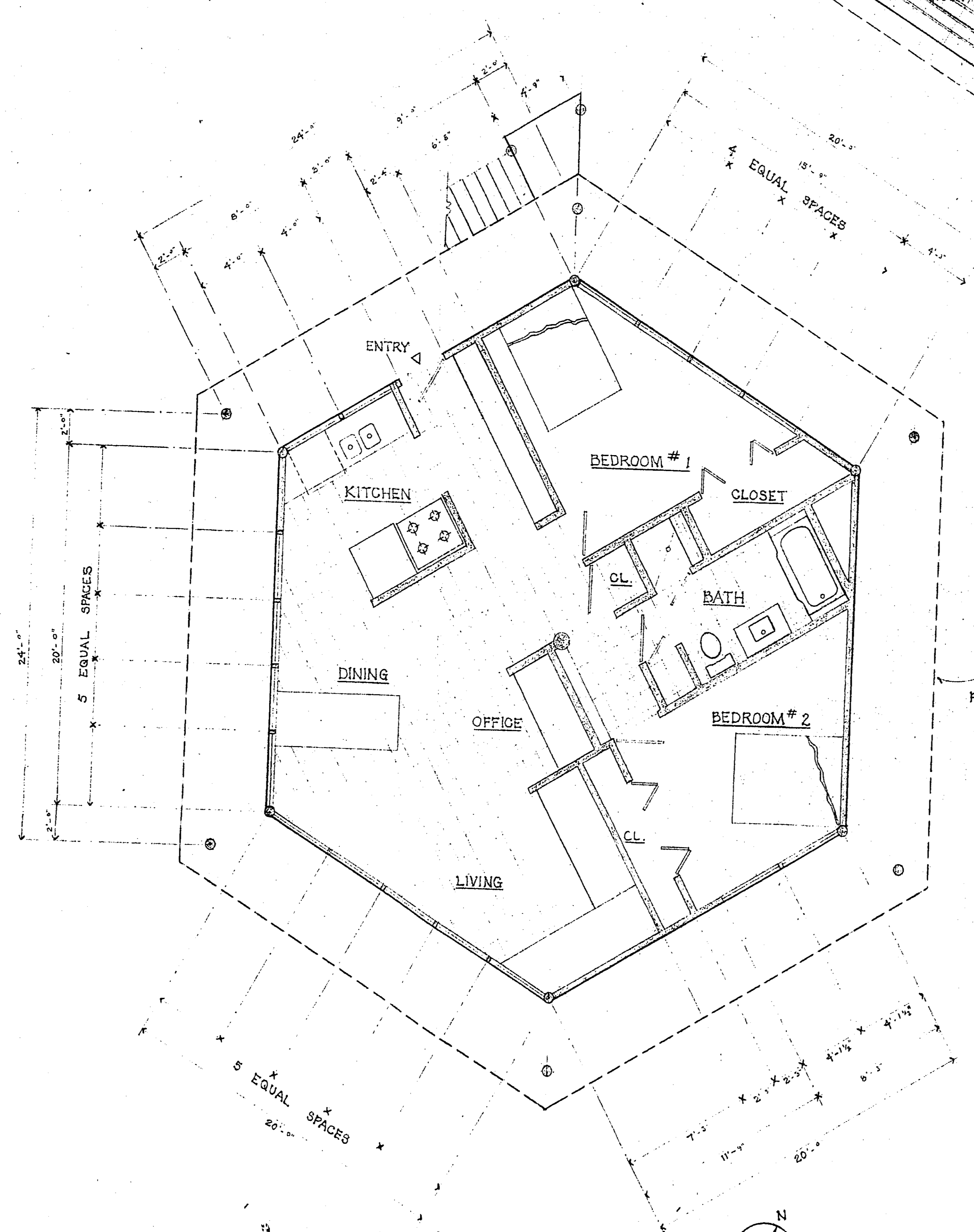
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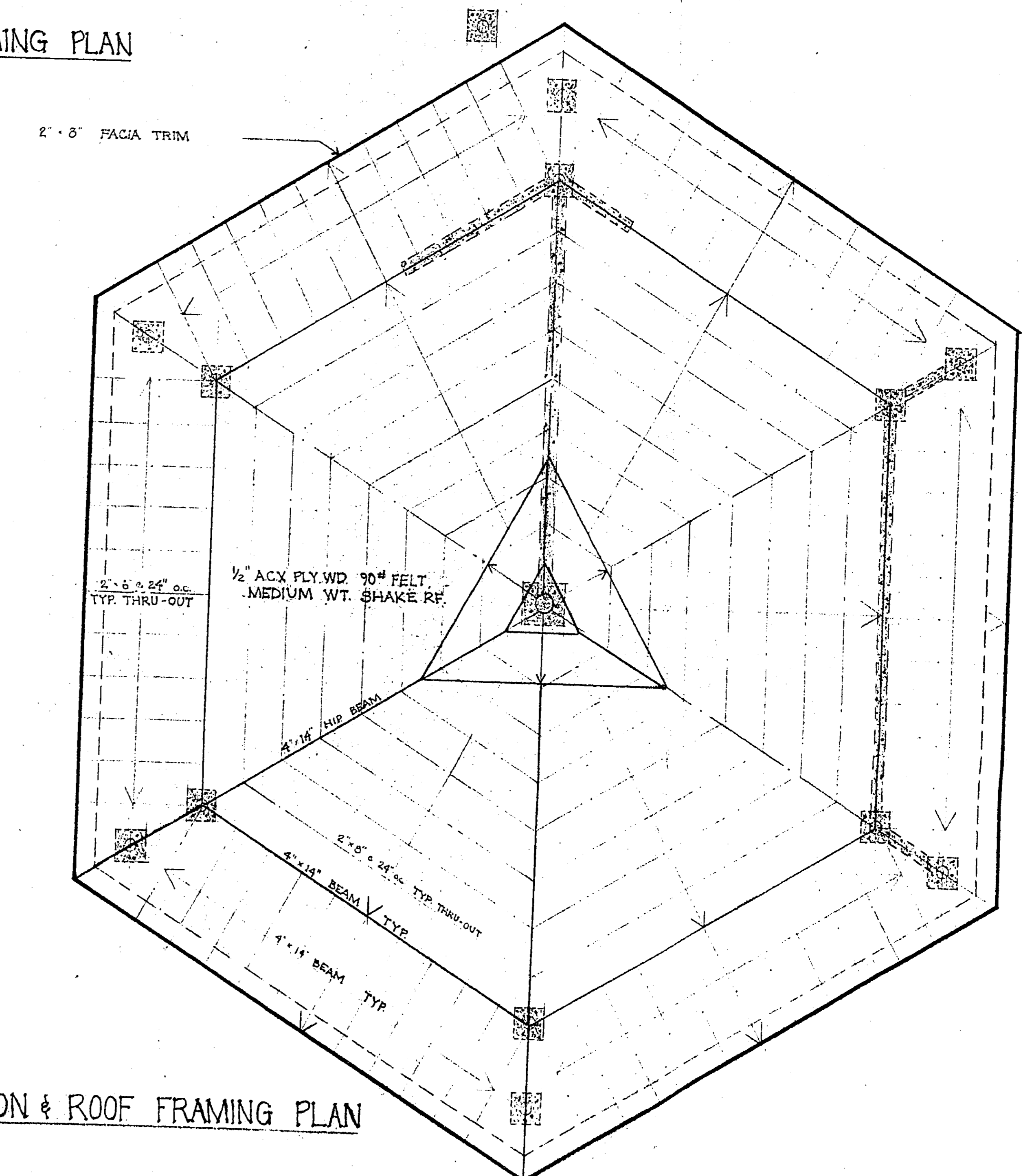
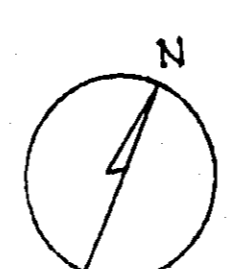




FLOOR FRAMING PLAN



FLOOR PLAN

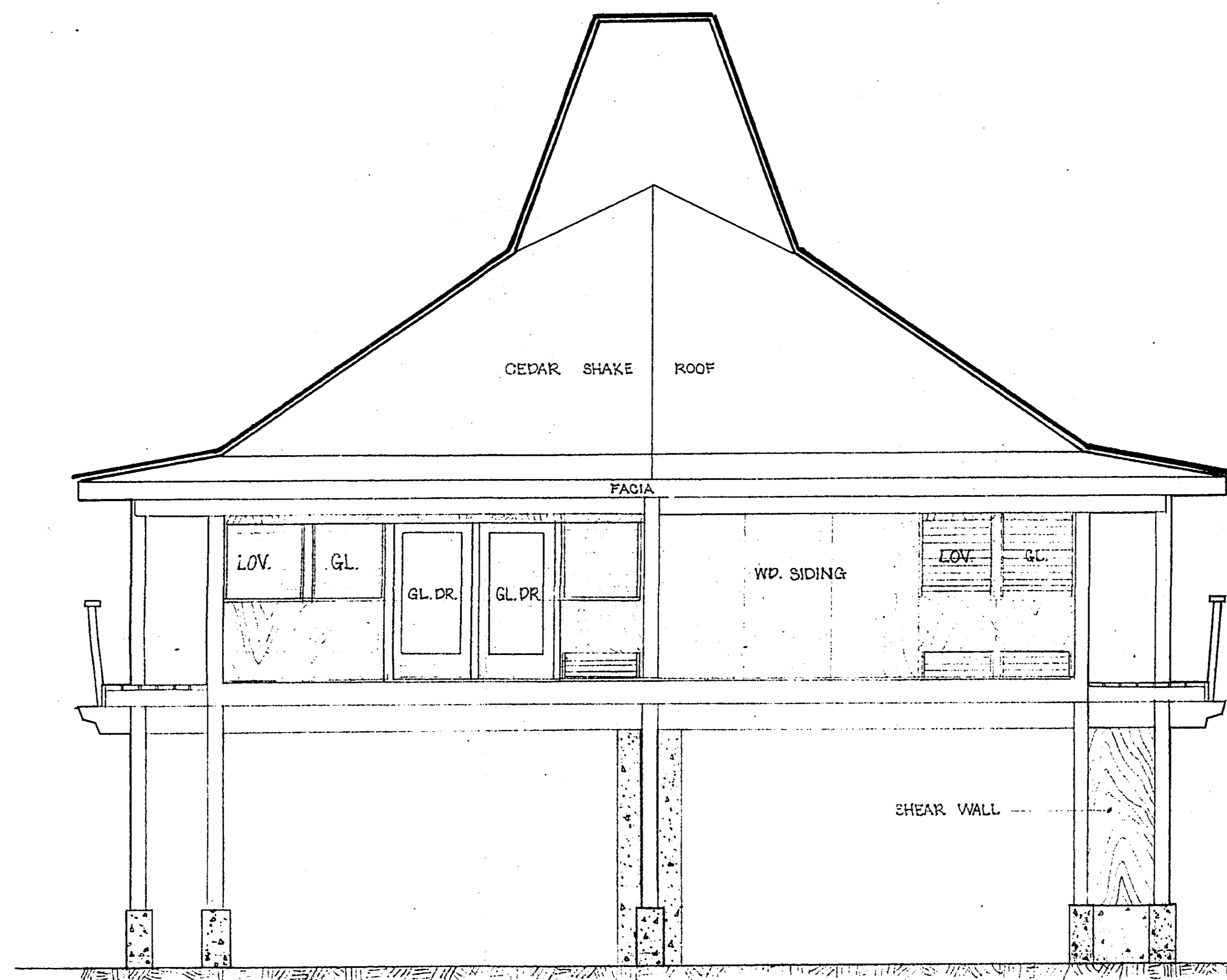


FOUNDATION & ROOF FRAMING PLAN

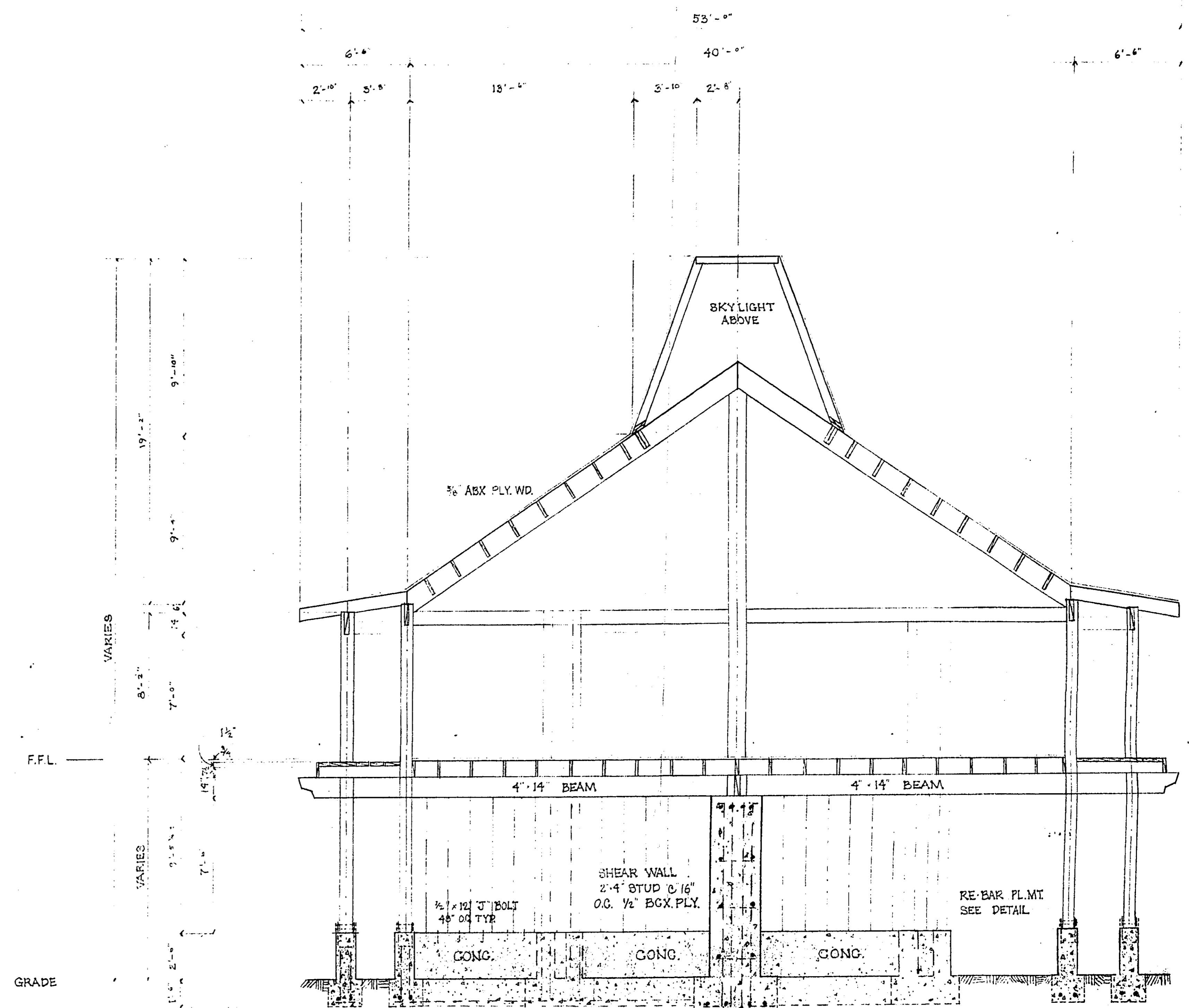
KAHN HOUSE TMJK # 1-3-02-98, LOT 5-A  
 SINGLE FAMILY RESIDENCE SCALE: 1" = 4' PK 5-89

0093K

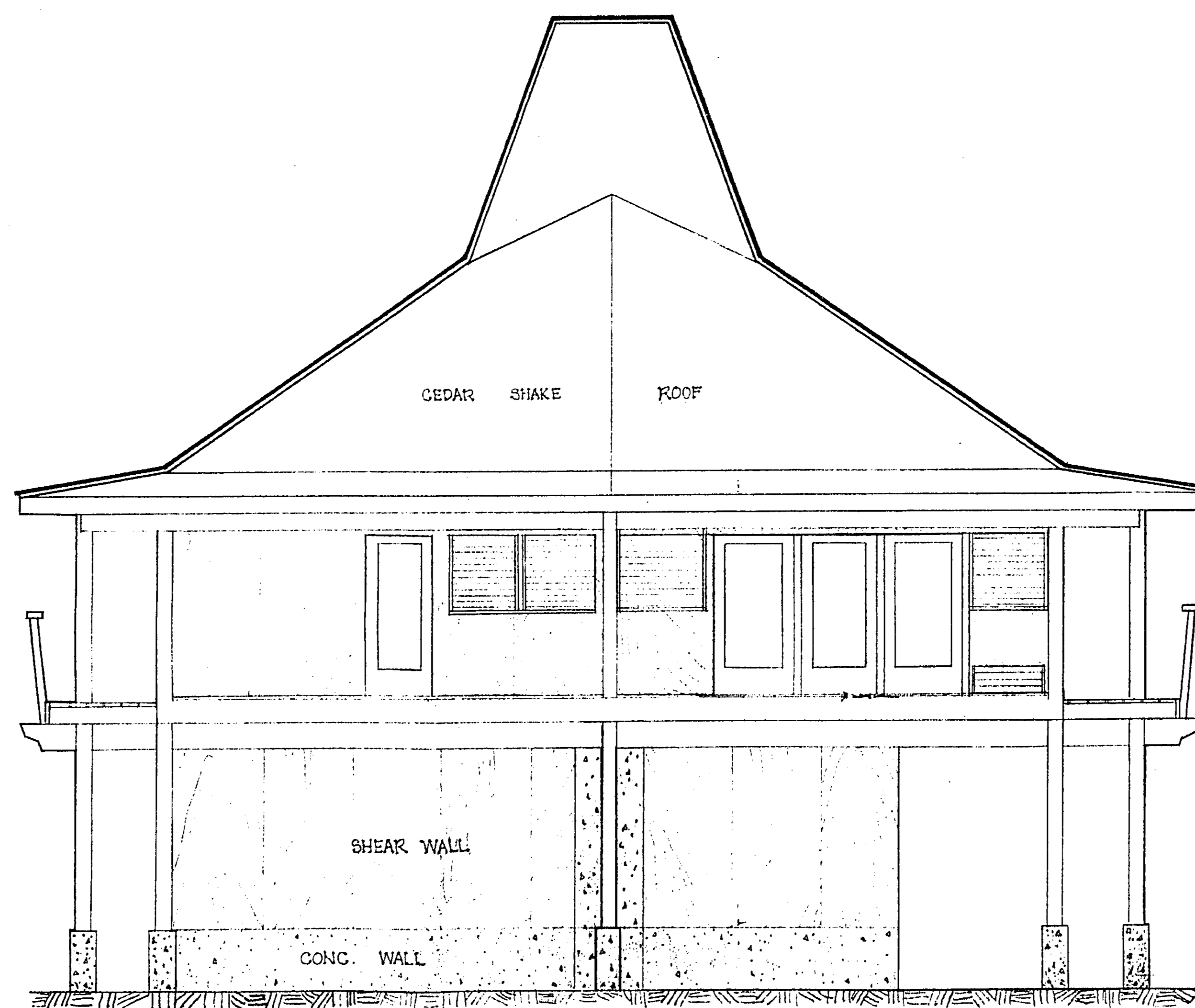
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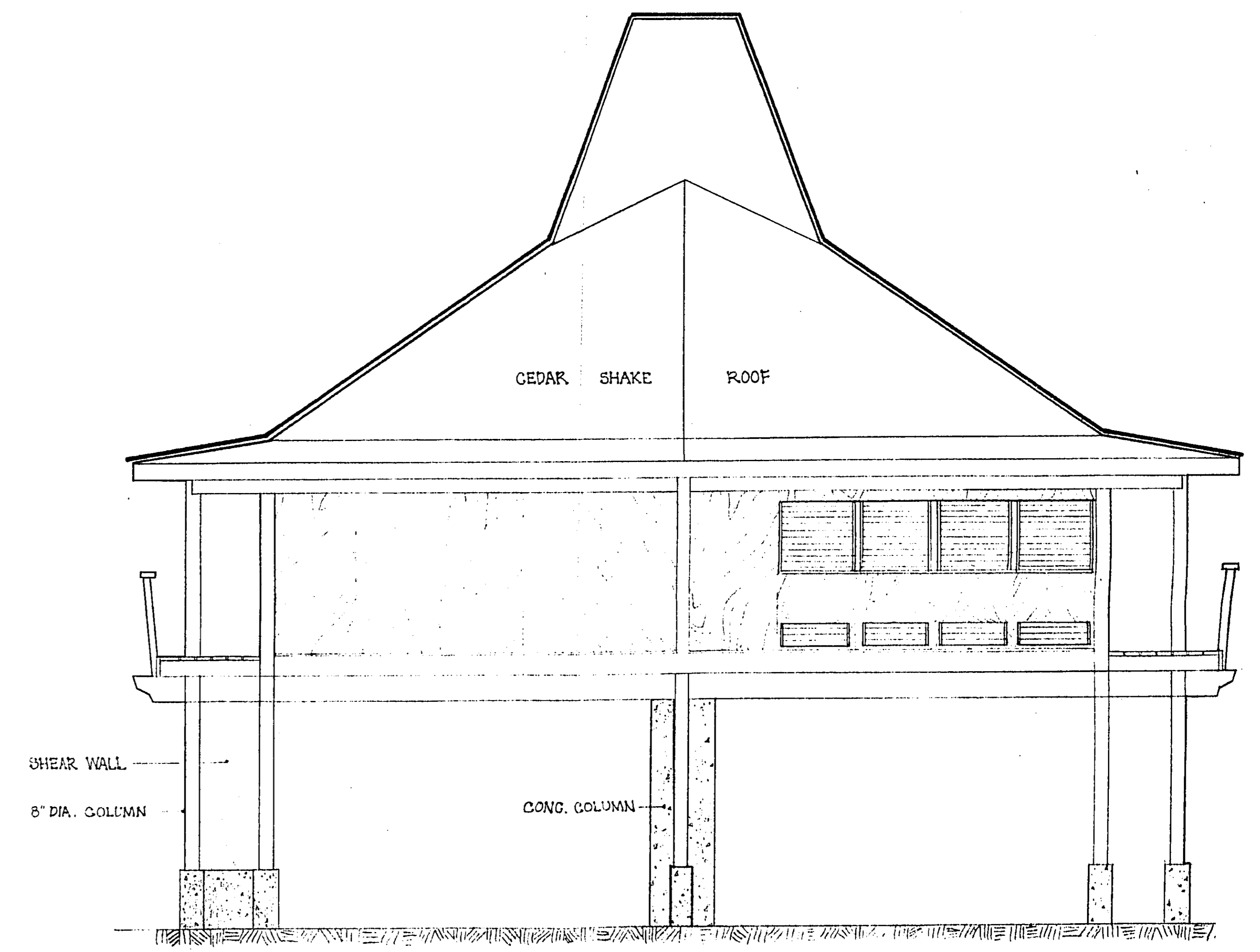
SOUTH ELEVATION SCALE: 1" = 4'



CROSS SECTION SCALE: 1" = 4'



WEST ELEVATION SCALE: 1" = 4'



NORTH ELEVATION SCALE: 1" = 4'

KAHN HOUSE TMK # 1-3-02-98 LOT 5-A 3  
 SINGLE FAMILY RESIDENCE PUNA, HAWAII, PK 3-89

0093K