

JOHN WAINEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 521
HONOLULU, HAWAII 96809

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

DEPUTY
John P. Keppeler, II
Dona L. Hanaïke

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OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

FEB 27 1992

FILE NO.: HA-1/13/92-2546
DOC. ID.: 214

MEMORANDUM

TO: The Honorable Brian J. J. Choy, Director
Office of Environmental Quality Control

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

SUBJECT: Document for Publication in the OEQC Bulletin
Environmental Assessment for Conservation District Use
Application HA-1/13/92-2546 for Single Family Residence,
Waipunalei, North Hilo, Hawaii TMK: 3-6-05: 15 and 93

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 587-0377, if you have
any questions.

1992-03-08-HI-PEA - Steward; Mike Single Family Home Permit
in a Resource Subzone

MAR - 8 1992

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

OFFICE OF CONSERVATION & ENVIRONMENTAL AFFAIRS
ATTENTION: MR. ROGER EVANS

CONSERVATION DISTRICT USE PERMIT APPLICATION

MICHAEL A. STEWART, APPLICANT
A REQUEST TO ALLOW CONDITIONAL USE CONSTRUCTION
OF HIS SINGLE FAMILY RESIDENCE IN A RESOURCE SUBZONE
TAX MAP KEY 3-6-05:15&93
NORTH HILO DISTRICT - SUBZONE MAP H-52 KUKAIAU

OWNER'S REPRESENTATIVE
DONALD S. STIMSON
P.O. BOX 747
VOLCANO, HAWAII 96785
PHONE (808) 985-8928

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PROPOSED HOMESITE

AERIAL VIEW
AT M.K. STEVART 15 \$ 93
PARCEL SIZE 13.77 ACRES
(OUTLINED IN WHITE)
EXHIBIT A

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THIS CONSERVATION DISTRICT USE PERMIT APPLICATION FOR MICHAEL A. STEWART FOLLOWS THE FORMAT, SECTION NUMBERS, TITLES, AND THE PARAGRAPH SEQUENCES AS OUTLINED IN THE DEPARTMENT MASTER APPLICATION FORM (REVISED 2/89)

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February 1983

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

DEPARTMENT MASTER APPLICATION FORM

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)

PART A

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

Name MICHAEL A. STEWART
Business 6915 Shorecrest
Address Anaheim, CA 92807

Local P.O. Box 11027
Address Hilo, HI 96721

Telephone No. (714) 998-8186

SIGNATURE *Michael A. Stewart*

Date 5/20/91

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

Name D.S. STIMSON

Address P.O. Box 747
Volcano, HI 96785

Telephone No. (808) 985-8928

Interest in Property _____

Owner's Representative
(Indicate interest in property; submit written evidence of this interest)

*SIGNATURE *D.S. Stimson*

Date JUNE 3, 1991

*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
- ~~XXX~~ 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 North Hilo

Island Hawaii

County Hawaii

Tax Map Key 3-6-05:(15 & 93)

Area of Parcel 13.888 Acres
(Indicate in acres or sq. ft.)

Term (if lease) Fee

M. A. STEWART

SECTION V. ENVIRONMENTAL ASSESSMENT

Please refer also to information and exhibits contained in PART B (INFORMATION REQUIRED FOR ALL USES) and in PART C (INFORMATION REQUIRED FOR CONDITIONAL USE ONLY).

(1) IDENTIFICATION OF APPLICANT

The landowner, Michael A. Stewart, is a professional athlete, writer, and designer of water sports equipment. He was born in Hawaii and raised in Honolulu and Kailua Kona. His family has lived in Hawaii for many generations. His grandfather founded and operated the Stewart's Pharmacy chain on Oahu.

Mr. Stewart is committed to the environmental and cultural protection of Hawaii. He has set very strict design standards that will allow his home to vanish into the natural forms, colors, and materials of the surroundings. He is a qualified and responsible guardian for the special scenic features of this site.

Please direct all questions and correspondence to:

OWNER'S REPRESENTATIVE

DONALD S. STIMSON
P.O. BOX 747
VOLCANO, HAWAII 96785

PHONE (808) 985-8928

(2) IDENTIFICATION OF APPROVING AGENCY

This Conservation District Use Application is directed to:

Office of Conservation and Environmental Affairs
Department of Land and Natural Resources
State of Hawaii

Attention: Mr. Roger Evans
(808) 548-7837

(3) AGENCIES, INSTITUTIONS AND COMPANIES CONSULTED

United States Government
Department of Agriculture
Soil Conservation Service
Forest Service
Department of the Interior
Geological Survey
Fish and Wildlife Service
State of Hawaii
Department of Business and Economic Development
Land Use Commission

(3) AGENCIES, INSTITUTIONS AND COMPANIES CONSULTED (continued)

State of Hawaii (continued)

Health Department
 Environmental Health (Wastewater Systems)
Department of Land and Natural Resources
 Bureau of Conveyances
 Conservation and Environmental Affairs
 Historic Preservation Division
 Forestry and Wildlife Division
Department of Transportation
 Highways Division
University of Hawaii at Hilo

County of Hawaii

Water Supply Department
Public Works Department
 Building Division
 Engineering Division
Planning Department
Finance Department
 Real Property Tax Office

Bishop Museum

Lyman House Memorial Museum
R. M. Towill Corporation
GTE Hawaiian Telephone
Hawaiian Sugar Planter's Association
Island Title Corporation
Hamakua Sugar Co., Inc.
Hawaii Electric Light Co., Inc.
True North Surveys, Inc.

(4) GENERAL DESCRIPTION OF THIS ACTION'S TECHNICAL, ECONOMIC, SOCIAL, AND ENVIRONMENTAL CHARACTERISTICS

The specific homesite location was determined after a thorough study illustrated the logic of placing the structure on the knoll away from the view of the highway, yet functionally part of the Waipunalei Homesteads residential neighborhood. (Please refer to EXHIBIT D - SITE STUDY)

TECHNICAL TMK 3-6-05: 15 & 93 RESOURCE (R) subzone - Map H-52
All of the technical considerations can be addressed without variances or any special concessions. Utilities (water, electric, telephone) already serve this parcel. The paved Mamalahoa Highway remnant provides easy access to the proposed home via an existing private road constructed in the 1920's by Laupahoehoe Sugar Company.

There is no lava flow hazard (zone 8) and the actual building site at 170 feet above sea level is outside of any floodplain or coastal hazard zone. Construction will conform to the existing topography without any significant site alteration. Surface water runoff, hurricane concerns, and seismic safety

(4) GENERAL DESCRIPTION...(continued)

TECHNICAL (continued)

are all important factors considered in the engineering of the foundation and the structure.

An approved septic system will be provided in accordance with the Hawaii State Department of Health requirements for individual wastewater systems.

A fire contingency plan, acceptable to the Division of Forestry and Wildlife, will be implemented during and after construction of the dwelling.

This parcel is within the SPECIAL MANAGEMENT AREA (SMA) of the County of Hawaii and approval must be obtained from the Planning Department.

ECONOMIC The principal economic impact involves increased property tax revenue and of course the possible costs of any additional public services. There will be no commercial use of this property. This is a small, single family residence on a large piece of land. The landowner will provide all of the maintenance for this scenic resource without any cost to the public.

SOCIAL This is to be the permanent residence of the Stewart family. It is certainly a positive action of social responsibility for a family to build their own home on their own land. The addition of one dwelling to the fringe of this existing low-density residential area should produce only a minimal social impact.

ENVIRONMENTAL The environmental history of this land is the story of a spectacular survival against the forces of both Man and Nature. In pre-contact times this gulch was undoubtedly lush with the native plants which have since been heavily invaded by alien plant species.

Polynesian habitation brought new plants, new animals, and new "slash and burn" cultivation methods which altered the ecological balance which existed until that time.

The European contact began another era which drastically changed the environment. More animals were introduced: the kind which grazed and trampled down the landscape; also the uninvited ones, the pests. More plants arrived, too. Most of them thrived in the favorable growing climate.

One of the agricultural species had a major influence on the Hamakua Coast. Sugar cultivation consumed thousands of acres and required a giant infrastructure of water, roads, processing mills, living accommodations for workers, transportation,

(4) GENERAL DESCRIPTION...(continued)

ENVIRONMENTAL (continued)
shipping, etc.

The Stewart property proved to be of special value to the Laupahoehoe Sugar Company. A paved road was constructed to the stream at the base of the gulch and a pump was installed which could extract over two million gallons of water per day in order to flume sugar cane to the mill at Papaaloa.

Additional assaults occurred when tons of boulders were pushed onto the property during highway construction and again when upstream agricultural practices caused damage by erosion, siltation, chemicals, etc. The Telephone Company placed poles and lines throughout this area and Hawaii Electric Light Company, Inc. has stretched high voltage overhead transmission lines right across the gulch. Indeed Man has not always treated this environment with much respect!

Nature was more kind, though not always gentle: the hurricanes, floods, and tsunamis tempered the site but caused very few problems in recent history. The Honouliuli earthquake of April 1973 created no damage to this site and perhaps actually demonstrated the geological stability of the area.

The Earth has the capacity to heal itself: the trees continue to grow; the bushes and vines will spread and the flowers still keep blooming. Now the land has a luxuriant vegetation and an undisputed rugged beauty. Certainly Man can hurt his environment, but he can also help in the healing!

The environmental welfare of the Stewart property can best be maintained by the onsite presence of the owner as resident caretaker.

(5) SUMMARY DESCRIPTION OF THE AFFECTED ENVIRONMENT

THE LAND AREA OCCUPIED BY THIS PROPOSED DWELLING INCLUDING THE GARAGE AND THE DRIVEWAY APRON WILL BE REFERED TO AS THE SPECIFIC HOMESITE. IT CONSISTS OF UNDER 2500 SQUARE FEET AND CONSTITUTES LESS THAN 00½% OF THE TOTAL LAND AREA OF THE PROPERTY (13.888 ACRES OR 604,961+ SQUARE FEET).

MORE THAN 99½% OF THE LAND IS UNTOUCHED AND WILL BE REFERED TO AS THE OPEN SPACE.

The SPECIFIC HOMESITE begins only 20 feet within the Conservation District boundary in the north-eastern portion of the Stewart property (TMK 3-6-05: 15 & 93) at an elevation of 170 feet

(5) SUMMARY DESCRIPTION...(continued)

above sea level. This is a grassy knoll which is just beyond the bend in the existing road. This portion of the site has a view of the ocean but cannot be seen from the highway.

Java Plum trees are nearby. No forest clearing will occur. The architecture of the home respects the special site features and will blend into the environment, stepping down wherever natural slopes exist. No grading is required, although the engineered foundation will penetrate the soil in order to rest on bedrock. Soil is Ookala series.

Distance from the dwelling to the nearest shoreline within the Stewart property is 182 feet. The nearest existing home (TMK 3-6-05: 20) is 250 feet away to the south. A home currently under construction next door (TMK 3-6-05: 14) is 950 feet away to the south-east and an additional home has been proposed on that same neighbor's property which will be a mere 40 feet away! All neighboring homes are OUTSIDE of the Conservation District.

Adjacent property to the north-east is owned by the State of Hawaii and extends to the shoreline. The property to the west is also State of Hawaii owned and extends to the highway with the north-west portion between the highway and the ocean under lease to the Hamakua Sugar Company, Inc.

The OPEN SPACE section of the Stewart property (the part outside of the SPECIFIC HOMESITE zone) is representative of the gulches found on the Hamakua Coast. Vegetation ranges from typical coastal strand plants at the shoreline to the mixed coastal mesic forest at the slopes with a flat grassy pasture to the west of the stream near the ocean (please refer to BOTANICAL SURVEY in PART B section I(D) VEGETATION).

The parcel size is 13.888 acres, covering an elevation from sea level to over 220 feet above sea level. Kaawalii Stream runs 1,475+ feet through the land to the ocean at a rocky shoreline which is 496+ feet long.

Highway frontage is 1,183+ feet (Hawaii Belt Road/State Hwy #19) and the abandoned Mamalahoa road remnant has a generous frontage of 669+ feet since the property abuts both sides of the road.

The private road which runs through the property to the stream exceeds a quarter of a mile in length and was paved many years ago. Plants have grown through the asphalt. Below the homesite the road gradient becomes quite severe. Surface water drainage from the State highway above has eroded a portion of this road in the lower elevations.

(5) SUMMARY DESCRIPTION...(continued)

The SPECIFIC HOMESITE zone is not an identified habitat for native birds or any other wildlife. No elements have been discovered here of a cultural, historical, or archaeological nature. There is no evidence that rare or endangered native plants exist on any part of this property.

(6) IDENTIFICATION AND SUMMARY OF MAJOR IMPACTS AND ALTERNATIVES CONSIDERED

One short term impact is the apparent disturbance caused by ANY construction activity.

No long term major impact has been recognized beyond the placement of one family's home on the site. There is no irretrievable or irreversible commitment of resources involved.

Alternatives focused upon the SPECIFIC HOMESITE selection. No other location was as totally appropriate as the one chosen when measured by rigid environmental considerations.

(7) PROPOSED MITIGATION MEASURES

Actual construction must take place with responsibility and consideration. Materials, chemicals, or debris must not harm the site or the adjoining properties or the water or the air in any way. Noise and dust must be minimized. Any vegetation disturbed during construction must be immediately restored for erosion control.

The mitigation of environmental concerns was the dominant factor which influenced all decisions regarding specific site selection and architectural design.

(8) DETERMINATION

Information and exhibits contained in PART B and PART C supplement this ENVIRONMENTAL ASSESSMENT and support the determination that an E.I.S. is not required.

(9) FINDINGS AND REASONS SUPPORTING DETERMINATION

The physical geography of the SPECIFIC HOMESITE is capable of safely accommodating the proposed dwelling with no significant adverse environmental effects. The proximity to the Waipunalei neighborhood provides access to utilities and roadways without any site grading. The soil is proper, the topography is proper, the subzone (R) is proper, and the setbacks are proper.

The SPECIFIC HOMESITE is outside of the hazard zones and there are no easements, habitats, or items of historical

(9) FINDINGS AND REASONS SUPPORTING DETERMINATION (continued)

interest present in this exact area. The structure will be hidden away, but all of the property as seen from the highway will be preserved as OPEN SPACE. A review of information presented in this Conservation District Use Application should demonstrate that environmental concerns have been adequately addressed.

SECTION VI. SUMMARY OF PROPOSED USE

The landowner, Michael A. Stewart, proposes the construction of his own single family residence within the RESOURCE (R) sub-zone of the Conservation District (Map H-52: Kukaiau Quadrangle).

This dwelling will consist of two bedrooms, two bathrooms, a study, living room, dining room, and laundry. Floor area is 1,997 square feet plus an attached garage of 525 square feet plus gardens plus exterior decking. All of this will be contained in a single structure which will step down with the natural contours to allow the gardens to be visually part of the living spaces. There will be no accessory buildings.

Materials of construction are selected to harmonize with the environment: lava rock masonry, natural wood siding, timber framed hexagonal hip roof forms covered with copper roofing, decks with timber handrails, solar bronze glass, and plants growing everywhere - inside and outside.

This is a responsible style of understated architecture which respects and preserves the special dignity of this site. The design objective is to draw no attention to the dwelling but instead let it be concealed by the use of appropriate natural forms, colors, and surfaces.

Proposed use: a peaceful home in a peaceful setting!

END OF PART A

PART B - INFORMATION REQUIRED FOR ALL USES

SECTION I. DESCRIPTION OF PARCEL

Island and County of Hawaii - North Hilo District - Map H-52
 TMK 3-6-05: 15 & 93 consisting of portions of these Grants:

GRANT TO	ACRES	SQUARE FEET
3688 S, KAIEWE	1.383	60,243.48
5528 ANEHILA HOLOKAHI	8.615	375,269.40
7565 WAIPUNALEI AGRICULTURAL	3.679	160,257.24
7800 LAUPAHOEHOE SUGAR	0.096	4,162.00
5528 ANEHILA HOLOKAHI	0.115	5,009.40
TOTALS	13.888	604,961.28

(A) EXISTING STRUCTURES / USE

The SPECIFIC HOMESITE location has never had a structure on it. The only construction of any kind has been the road which makes a logical bend right at the proposed residence.

The OPEN SPACE property has only a very limited use at present. The pasture land below the elevation of 20 feet and to the west of the stream has been used for cattle grazing for many years under an agreement made by the former landowner, the Hamakua Sugar Co., Inc.

GTE Hawaiian Telephone uses the property to maintain their utility poles and overhead cables, regularly trimming away trees and brush.

Hawaii Electric Light Co., Inc. access generally is for emergency service only, although replacement of the high-voltage overhead cable is inevitable.

The pump station which once supplied water to the flume was built near the stream in 1922. The development of more effective methods of transporting sugar cane caused the Laupahoehoe Sugar Co. to abandon the pump and the elaborate plumbing system. The tsunamis of 1946 and 1960 essentially removed most traces of the machinery and structure remaining at that time. A large Banyon tree has since grown in the spot once occupied by the pump house.

Only a short section of water pipe remains encased in a concrete shroud which resembles a bridge across the stream. A low lava rock wall still runs along the west side of the stream for a distance of 66 feet. These few relics do not

(A) EXISTING STRUCTURES / USE (continued)

constitute any hazard and will remain in place as a curious reminder of the plantation era.

(B) EXISTING UTILITIES (see EXHIBIT F - HOMESITE STUDY)

Water is delivered to the site by the County of Hawaii Water Supply Department. A 2½ inch pipeline is already in place to the middle of the road remnant.

GTE Hawaiian Telephone will supply service from an existing pole on the property which is 72 feet from the proposed homesite. The service to the home will be underground.

Hawaii Electric Light Co., Inc. provides service to the neighbor's home (TMK 3-6-05:20) via a pole at the highway which will also serve the Stewart home. The exact routing will be established by HELCO's Engineering Department and will be underground, also.

Wastewater disposal is by a septic system constructed in strict compliance with standards recently reviewed by the Hawaii State Department of Health. The specific location will be as required by the District Director.

(C) EXISTING ACCESS (see EXHIBIT D - SITE STUDY)

The Hawaii Belt Road (Highway #19) at the 28 mile marker intersects the former Mamalahoa Highway which is now considered a road remnant (abandoned from highway use, but still used as an access road). The survey width of this remnant is fifty feet, although only nine feet of width is paved.

About 450 feet from the highway intersection this road remnant turns to the west for approximately 100 feet and is joined by a private road built on the Stewart property in 1922 by the Laupahoehoe Sugar Company. It is eight feet wide and surfaced in a vintage asphalt which will be repaved. This private road is the existing driveway for the proposed Stewart residence. No road development will be required.

(D) VEGETATION (see also PART A section 4 - ENVIRONMENTAL)

This botanical description will also separate the property into distinct zones: HOMESITE and OPEN SPACE.

The SPECIFIC HOMESITE zone consists of less than half of one percent of the total land area. Hilograss covers the flatter area where the structure is proposed and continues into the sloped areas. Java Plum trees are at the property line but do not occur within the actual building site. Guava is growing in the sloped area below the homesite.

(D) VEGETATION (continued)

The OPEN SPACE zone consists of 99½% of the total land area and vegetation should remain unchanged by the proposed use. Cattle have grazed the lower elevations for many years, concentrating on a flat pasture slightly above sea level. The sides of the gulch have a very dense growth, typical of the mesic coastal zones. Ferns, however, are not well represented here. The coastal strand vegetation is also typical, primarily low shrubs, herbs, and grasses which survive the salt spray from the ocean.

No rare native plant species have been identified here. This survey did not attempt to classify plants found on cliff faces or any other inaccessible locations. Also not listed are fungi, lichens, or limu.

BOTANICAL SURVEY - 1991

TREES

ALEURITES MOLUCCANA: Kukui/Candlenut
CASUARINA EQUISETIFOLIA: Paina/Ironwood
COCOS NUCIFERA: Niu/Coconut Palm
EUGENIA CUMINII: Java Plum
FICUS MICROCARPA: Chinese Banyon
HIBISCUS TILIACEUS: Hau
MORINDA CITRIFOLIA: Noni/Indian Mulberry
PANDANUS TECTORIUS: Hala/Screwpine
PERSEA AMERICANA: Alligator Pear/Avocado
PSIDIUM CATTLEIANUM: Waiawi/Strawberry Guava
PSIDIUM GUAJAVA: Kuawa/Guava

SHRUBS/FERNS/VINES

ALOCASIA MACRORRHIZA: 'Ape
ALPINIA NUTANS: Shell Ginger
CORDYLINE TERMINAUS: Ki/Ti
DICRANOPTERIS LINEARIS: Uluhe/False Staghorn (limited)
HEDYCHIUM CORONARIUM: White Ginger
HEDYCHIUM FLAVESCENS: Awapuhi Melemele/Yellow Ginger
IPOMEA INDICA: Koali/Morning Glory
IPOMEA PES-CAPRAE: Pohuehue/Beach Morning Glory
NEPHROLEPIS EXALTATA: Sword Fern
PASSIFLORA EDULIS: Liliko'i/Passion Fruit
RUBUS ROSAEFOLIUS: Thimbleberry
SACCHARUM OFFICINARUM: Ko/Sugar Cane
SADLERIA CYATHEOIDES: Amaumau/Amou Tree Fern (limited)
SCAEVOLA SERICEA: Naupaka-Kahakai/Beach Naupaka
VIGNA MARINA: Nanea/Beach Pea
VITEX OVATA: Pohinahina/Beach creeper
WEDELIA TRILOBATA: Yellow Wedelia
ZINGIBER ZERUMBET: 'Awapuhi/Shampoo Ginger

(D) VEGETATION (continued)

GRASSES

CHLORIS INFLATA: Mau'u-lei/Swollen Finger Grass
COMMELINA DIFFUSA: Honohono
MELINIS MINUTIFLORA: Molasses Grass
MIMOSA PUDICA: Hilahila/Sleeping grass
PASPALUM CONJUGATUM: Hilograss
SPOROBOLUS VIRGINICUS: Aki Aki/Seashore Rush Grass

(E) TOPOGRAPHY (see EXHIBIT D - SITE STUDY and note the contour lines at intervals of 20 feet)

The SPECIFIC HOMESITE zone is a gentle knoll which slopes away from the roadway to the stream bed and to the ocean. The elevation is 170 feet above sea level.

SOIL DESCRIPTION This homesite zone was included in the high-intensity survey conducted by the Soil Conservation Service, U.S. Department of Agriculture in cooperation with the University of Hawaii Agricultural Experiment Station.

SOIL SERIES: Ookala silty clay loam. Moderate shrink/swell. Low corrosivity. Depth to bedrock 3½ feet to 6 feet.

CLASSIFICATION: Family-Thixotropic, Isohyperthermic. Sub-group-Hydric Dystrandeps (old classification 1938 Great Soil Group-Humic Latosols).

ORDER: Inceptisols

GENERAL SOIL ASSOCIATION: Kukaiiau-Ainakea-Paauhau association. Deep and moderately deep, gently sloping to steep, well drained soils that have a moderately fine textured sub-soil, on uplands.

The OPEN SPACE zone includes that area where the gulch meets the ocean. In less than 14 acres the elevation rises from sea level to over 220 feet above sea level. The sides of the gulch are steep but stable. The valley created near the ocean and to the north-west of Kaawalii Stream is flat with a gentle slope to the shoreline and is subject to tsunami hazards.

SOIL DESCRIPTION This open space zone is generally called "rough broken land", a typical classification for gulches on the windward side. The soil material ranges from very shallow to deep with massive rock outcrops. Soil on the steep slopes is held in place by the vegetation.

(F) SHORELINE (see EXHIBIT D - SITE STUDY)

(F) SHORELINE (continued)

The shoreline area occurs within the OPEN SPACE zone and faces in a northerly direction in a configuration which is roughly crescent shaped. The width of Kaawalii Stream is 65 feet where it contacts the sea.

The westernmost 336 feet of oceanfront is gradually sloped and rocky. The easternmost 130 feet is a cliff with large rock forms offshore.

The shorecliff continues beyond the property boundary about 200 feet to a spectacular point on the State of Hawaii land, thence it turns south/south-easterly. Vegetation begins approximately 18 feet above sea level and at that point the slope of the cliff face becomes more gradual, rounding off as it rises.

The SPECIFIC HOMESITE zone is well away from the shoreline.

(G) EXISTING EASEMENTS (see EXHIBIT D - SITE STUDY)

The preliminary title report issued by Island Title Corporation (Hilo Office) September 27, 1989 lists the following easements and restrictions:

1. Title to all minerals and metallic mines reserved to the State of Hawaii
2. An easement for light and power purposes, in favor of Hawaii Electric Light Company, Inc., dated June 14, 1985, recorded June 24, 1985, in the Bureau of Conveyances, State of Hawaii, in Book 18728, Page 558.
3. Easement and right of way in favor of Hawaii Telephone Company for the installation, maintenance and repair of telephone pole and wire lines, more particularly described in Book 4614, Page 230.
4. The free flowage of water in Kaawalii Stream.
5. The property borders on the ocean and is subject to the provisions of Hawaii Revised Statute 205, Sections 31 to 37 relative to shoreline setbacks and prohibitions on use, and to the regulations of the Land Use Commission and the County Planning Department.

(H) HISTORIC SITES

There are no known historic or archaeological sites within this zone. If any evidence is encountered during construction, work will cease and the Historic Preservation Office will be contacted immediately (548-7460 or 548-6408).

SECTION II. DESCRIPTION OF ACTIVITY PROPOSED

The landowner proposes to construct his private single family residence, a conditional use of the Resource (R) sub-zone of the Conservation District according to ADMINISTRATIVE RULES, Title 13, Chapter 2, as amended.

Details of this dwelling are included in PART A - Section VI SUMMARY OF PROPOSED USE (page 8). The residence and garage will be contained in a single small structure, nestled into the site and not part of the view from the highway. Grounds will be groomed and maintained by the owner to continue providing a scenic open space view.

Any use of land within the Conservation District is a privilege. This application is the result of over two years of study. The objective of this proposal is to produce an appropriate home for the owner and his family which is environmentally responsible, aesthetically proper, legal, and safe.

SECTION III. SCHEDULE

Commencement date: As soon as possible.
Completion date: Within 18 months of commencement

SECTION IV. TYPE OF USE REQUESTED

(5) Conditional Use: Subzone RESOURCE (R)
Area of proposed use: 2,500 square feet (.057 acres)
Area of land parcel: 604,961.28 square feet (13.888 acres)
Nearest town: Laupahoehoe 2.6 miles to south-east
Boundry Interpretation map: #89 75 (see EXHIBIT B)
Conservation District Subzone H-52 (Kukaiiau Quadrangle)
County General Plan Designation: AGRICULTURAL-20

SECTION V. FILING FEE

Enclosed with this application is a CASHIER'S CHECK in the amount of Fifty and no/100 dollars (Bank of Hawaii - Kaiko'o Branch - Date June 3, 1991 - Check #1-1716233 - Pay to the order of State of Hawaii.

END OF PART B

-4-

PART C
INFORMATION REQUIRED FOR CONDITIONAL USE ONLY

SECTION I. PLANS

(A) AREA PLAN

EXHIBIT A - AERIAL VIEW is a photograph in color which indicates the SPECIFIC HOMESITE with a * and also outlines the outer boundaries of the Stewart property (white lines). The ocean, the stream, the highway, the neighboring homes, and the sugar cane fields mauka are all illustrated here.

EXHIBIT C - TAX MAP The Stewart property is TMK 3-6-05:15 & 93 (shaded on map with dot-texture). Adjacent property includes the Pacific Ocean and the Hawaii Belt Road (State Highway #19) plus the road remnant (former Mamalahoa Highway) and the following neighboring landowners:

TMK 3-6-05: 14	John M. & Carla Beard P.O.Box 6012 Kamuela, Hawaii 96776
TMK 3-6-05: 20	John W. & Lawtene Hunt P.O.Box 2631 Kailua Kona, Hawaii 96745
TMK 3-9-01: 13 & 18	State of Hawaii Under Lease to: Hamakua Sugar Company, Inc. P.O.Box 250 Paauilo, Hawaii 96776

All of the shoreline to the north-east is owned by the State of Hawaii.

(B) SITE PLAN

EXHIBIT E - BOUNDRY SURVEY This plat map shows the bearings and distances of all boundary lines. The subject property is shaded with a dot-texture. The map has been reduced in size in order to fit into this application. Survey work has been prepared by Blaine W. Ito of True North Surveys, Inc.

EXHIBIT D - SITE STUDY This is also a reduced-size copy with the subject property shaded with a dot-texture. The proposed residence is sketched in, the private roadway is indicated, and the HELCO easement can be seen. Topography contours are at intervals of 20 feet.

EXHIBIT F - HOMESITE STUDY This site plan focuses on the specific homesite zone.

M. A. STEWART

(C) CONSTRUCTION PLANS

EXHIBIT G - UPPER LEVEL PLAN STUDY this is a preliminary floor plan of the proposed dwelling showing the Garage and the Master Bed suite.

EXHIBIT H - LOWER LEVEL PLAN STUDY This preliminary floor plan shows the placement of the Living/Dining/Kitchen area and the Guest Bedroom and bath.

Specific details will be included in the working drawings, plans, and specifications submitted to the Chairperson in accordance with Section 13-2-21 (7).

(D) MAINTENANCE PLANS A formal maintenance plan is not appropriate for this application, but the landowner wishes to assure you that the grounds will be maintained at all times in a responsible manner.

SECTION II. SUBZONE OBJECTIVE

As stated in Section 13-2-13 RESOURCE (R) SUBZONE: "The objective of this subzone is to develop, with proper management, areas to insure sustained use of the natural resources of those areas."

The subzone objective has been preserved by the application of the following land use program:

99½% of the total land area will remain in open space with no change whatsoever.

The remaining 00½% (HOMESITE ZONE) will be hidden from highway view.

The homesite will be functionally part of the existing neighborhood.

The "indigenous" architecture will blend into the physical site features, drawing no attention.

The owner as resident caretaker will maintain the landscaping and protect the land as a natural scenic resource to be enjoyed by the people of Hawaii.

It is the intention of this application to be in absolute compliance with all standards, conditions, and guidelines as stated in Section 13-2-21 as amended and compiled (2/23/90)

END OF PART C

PART D

DOCUMENT FOR PUBLICATION IN THE OEQC BULLETIN

Date: 12 / 2 / 91

Prepared by: DONALD S. STIMSON

The document is a (check all that apply)

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

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

Title of Proposed Action or Project: CONSERVATION DISTRICT USE PERMIT TO ALLOW A SINGLE FAMILY HOME IN A RESOURCE SUBZONE: MIKE STEWART, APPLICANT.

Location: Island HAWAII District NORTH HILO (THIRD)

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

Name of Proposing Applicant or Agency: MICHAEL A. STEWART

Name of Contact: DONALD S. STIMSON (OWNER'S REPRESENTATIVE)

Address: F.O. BOX 747

City: VOICANO, State: HAWAII Zip Code: 96785

Phone: (808) 985-8928 (NIGHT OR DAY)

Name of Preparer or Consultant: SAME AS ABOVE

Name of Contact: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: (_____) _____

Accepting Authority: OFFICE OF CONSERVATION AND ENVIRONMENTAL AFFAIRS DEPARTMENT OF LAND AND NATURAL RESOURCES

Estimated Project Cost:		Document Preparation Cost:	
Federal Funds	\$ _____	Neg Dec/EA	\$ _____
State Funds	\$ _____	Draft EIS	\$ _____
County Funds	\$ _____	Sup Draft EIS	\$ _____
Private Funds	\$ <u>\$112,960.00</u>	Sup Final EIS	\$ _____
TOTAL	\$ _____	TOTAL	\$ _____

EA Trigger (check all that apply)

- () Use of State or County Lands or Funds
- (XXX) 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):

MICHAEL A. STEWART (LANDOWNER) PROPOSES TO CONSTRUCT HIS OWN SINGLE FAMILY RESIDENCE, A CONDITIONAL USE OF THE CONSERVATION DISTRICT RESOURCE SUBZONE. THE PROPERTY IS A GULCH ON THE NORTH HILO COAST. THE SPECIFIC HOMESITE CANNOT BE SEEN FROM THE HIGHWAY AND WILL UTILIZE ONLY 00 3/4% OF THE AVAILABLE LAND AREA. THE REMAINING 99 1/4% IS TO BE PRESERVED AS OPEN SPACE.

THIS DWELLING WILL BE BUILT ONLY 20 FEET INSIDE OF THE CONSERVATION BOUNDRY, FUNCTIONALLY PART OF THE EXISTING WAIPUNALEI HOMESTEADS NEIGHBORHOOD (RIGHT NEXT DOOR). THIS IS A TWO BEDROOM HOME OF LESS THAN 2,000 SQUARE FEET PLUS GARAGE, ALL CONTAINED WITHIN A SINGLE STRUCTURE.

THE DESIGN OBJECTIVE IS TO DRAW NO ATTENTION TO THE RESIDENCE BUT INSTEAD LET IT BE CONCEALED BY THE PROPER USE OF NATURAL MATERIALS, FORMS, AND COLORS. THIS IS A RESPONSIBLE STYLE OF UNDERSTATED ARCHITECTURE WHICH RESPECTS THE SPECIAL DIGNITY OF THIS SITE.

THE OWNER AS RESIDENT CARETAKER CAN MAINTAIN THIS LAND AS A NATURAL SCENIC VIEW RESOURCE TO BE ENJOYED BY THE PEOPLE OF HAWAII.

(Continue on another sheet if necessary)

Tax Map Key(s): TMK 3-6-05:15 TMK 3-6-05:93 _____

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:

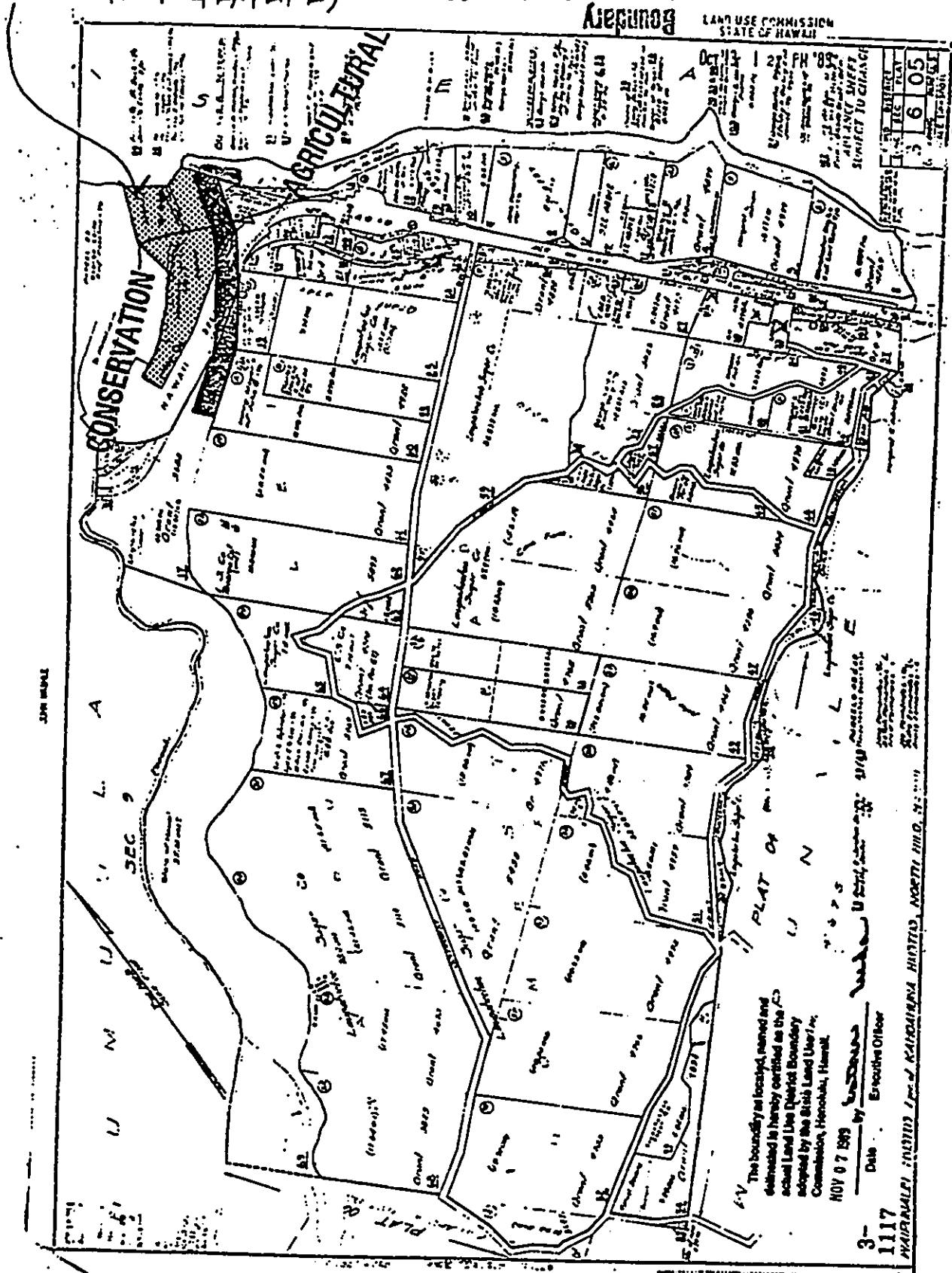
OEQC # _____
 Planner: _____

STEVART PROPERTY
SHADED (DOT TEXTURE)

Information No. 89 75

Boundary

LAND USE COMMISSION
STATE OF HAWAII



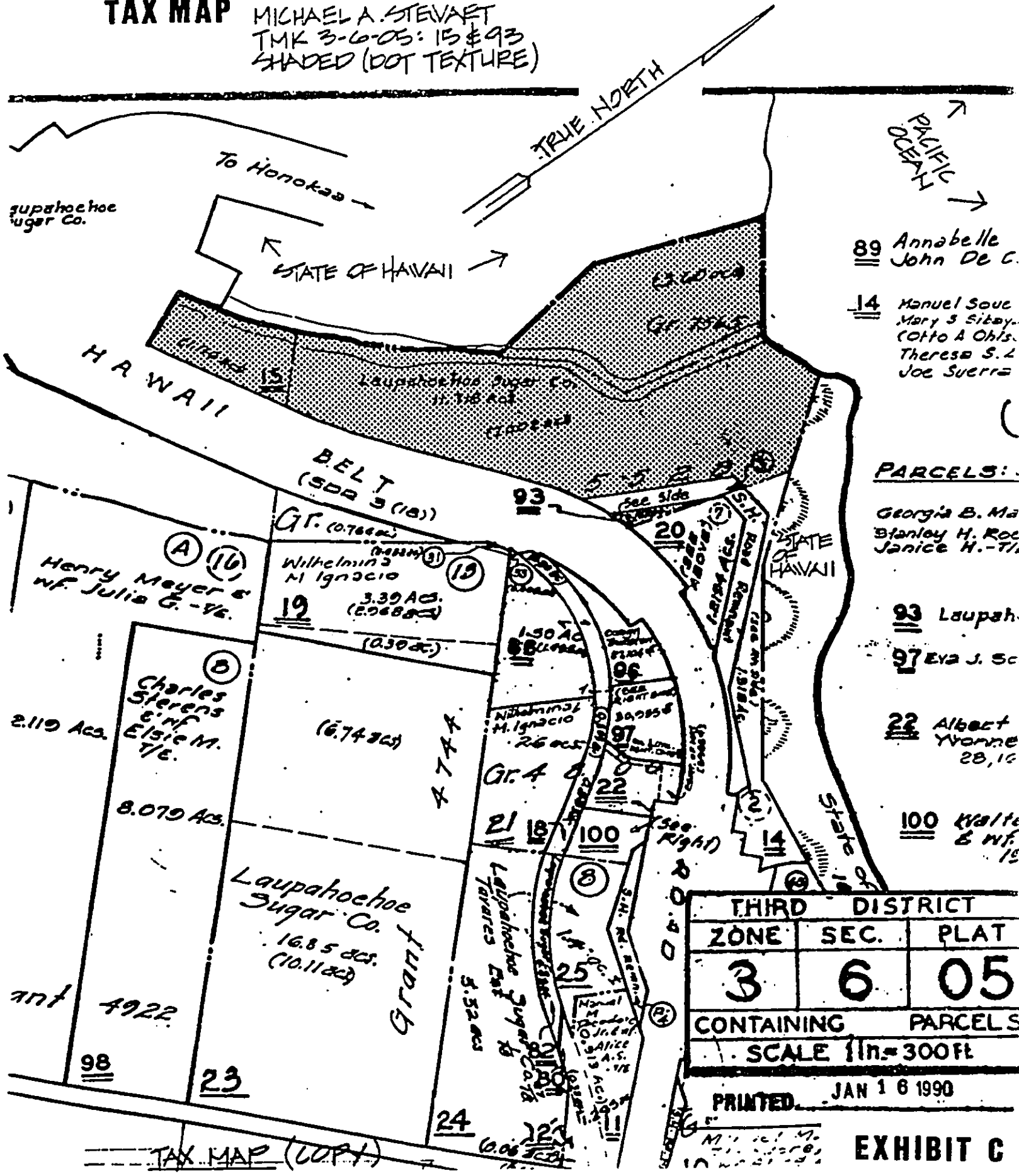
DATE	3 6 05
TIME	
BY	
REMARKS	

BOUNDARY INTERPRETATION (REDUCED COPY)

EXHIBIT B

TAX MAP

MICHAEL A. STEVART
 TMK 3-6-05: 15 & 93
 SHADED (DOT TEXTURE)



Laupahoehoe Sugar Co.

To Honokaa

STATE OF HAWAII

TRUE NORTH

PACIFIC OCEAN

89 Annabelle John De C.

14 Manuel Soue Mary S Siboy Otto A Ohls Theresa S L Joe Suerra

PARCELS:

Georgia B. Ma Stanley H. Roe Janice H.-T/

93 Laupahoehoe

97 Eva J. Sc

22 Albert Yvonne 28, 10

100 Walter & Wf 15

HAWAII BELT

BELT (SDB 3 (18))

Henry Meyer & Wf Julia G. - 1/2

Charles Sterens & Wf Elsie M. 1/2

8.079 Acs.

Laupahoehoe Sugar Co. 16.85 acs. (10.11 acs)

Wilhelmina M Ignacio 3.39 Acs. (2.968 acs)

6.74 acs

4744

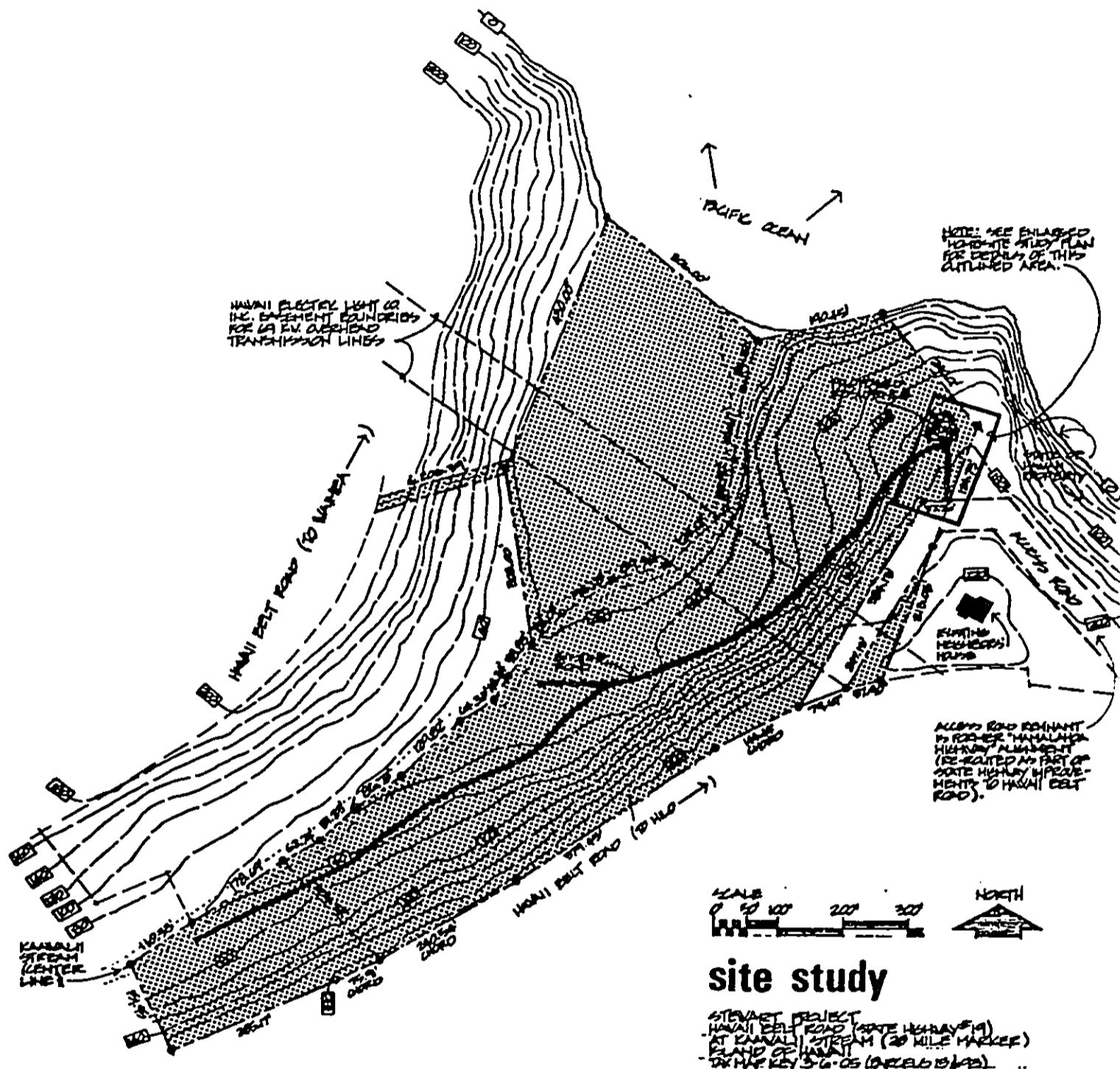
Laupahoehoe Sugar Co. 5.52 acs

24

98

23

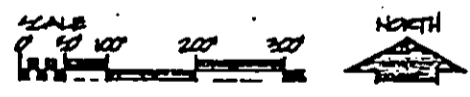
TAX MAP (COPY)



NOTE: SEE ENLARGED HORIZONTAL STUDY PLAN FOR DETAILS OF THIS OUTLINED AREA.

HAWAII ELECTRIC LIGHT CO. INC. EASEMENT BOUNDARIES FOR 69 KV OVERHEAD TRANSMISSION LINES

ACCESS ROAD REMNANT TO FORMER MAHALAHOA HIGHWAY ALIGNMENT (RE-ROUTED AS PART OF STATE HIGHWAY IMPROVEMENTS TO HAWAII BELT ROAD).



site study

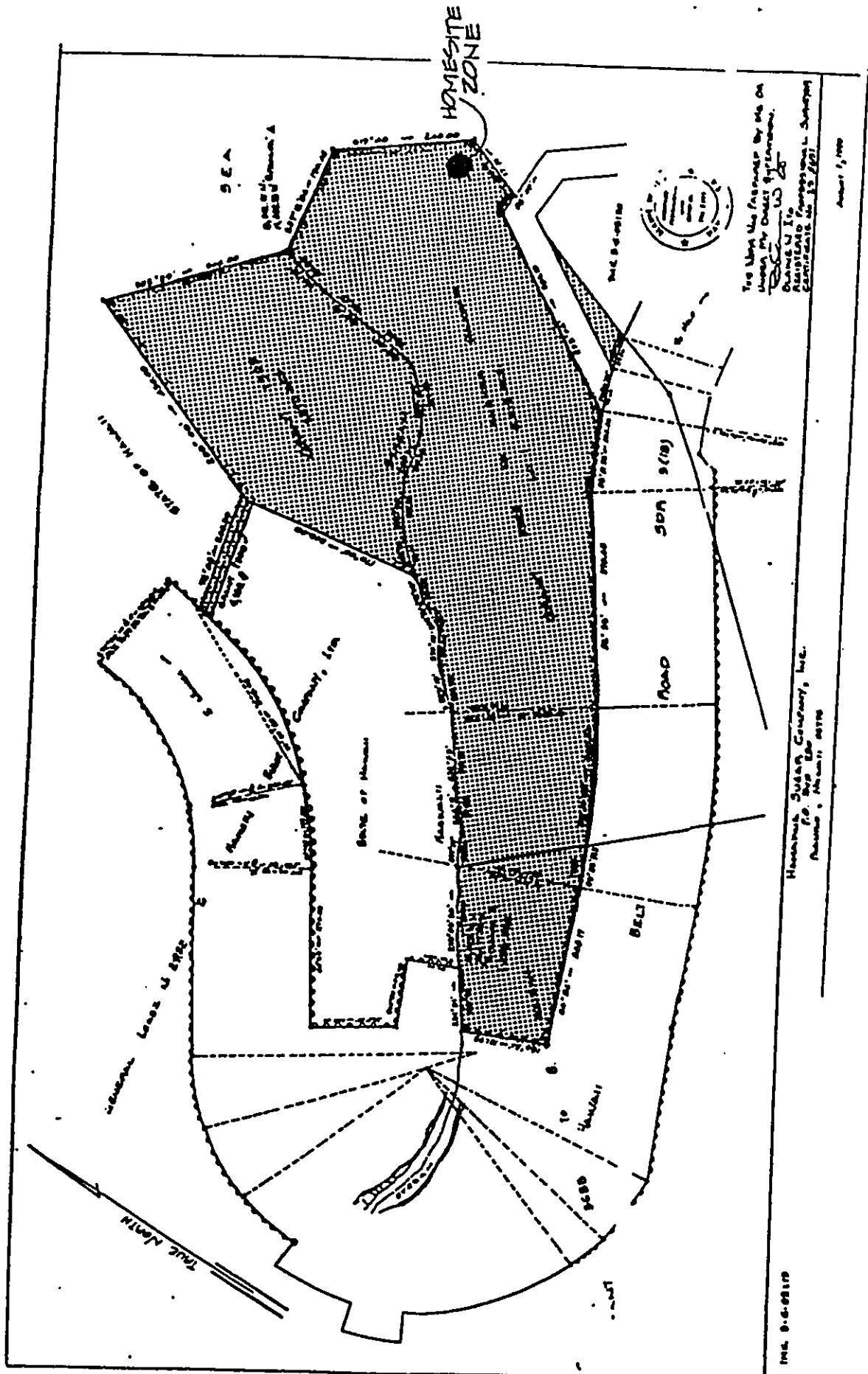
STEWART PROJECT
 HAWAII BELT ROAD (STATE HIGHWAY #19)
 AT KAHAKAI STREAM (20 MILE MARKER)
 ISLAND OF HAWAII
 TAX MAP KEY 5-G-05 (ORIG. 10/4/72)

LAND USE PLANNING WORKSHEET
 CONTOUR INTERVAL 20 FEET
 TERRAIN INFORMATION OBTAINED FROM
 U.S. DEPARTMENT OF THE INTERIOR, 1922
 GEOLOGICAL SURVEY MAP (N220-VI-15/16)
 KAUAI QUADRANGLE. THE HAWAII
 STUDY AREA HAS BEEN FIELD SURVEYED TO
 CHECK CONDITIONS AS OF FEBRUARY, 1991.

PARCEL SIZE 12.89 ACRES (HATCHED AREAS)

SITE PLAN (REDUCED COPY)

EXHIBIT D



PLAT MAP - BOUNDARY SURVEY TMK 3-6-05:15 & 9: EXHIBIT E

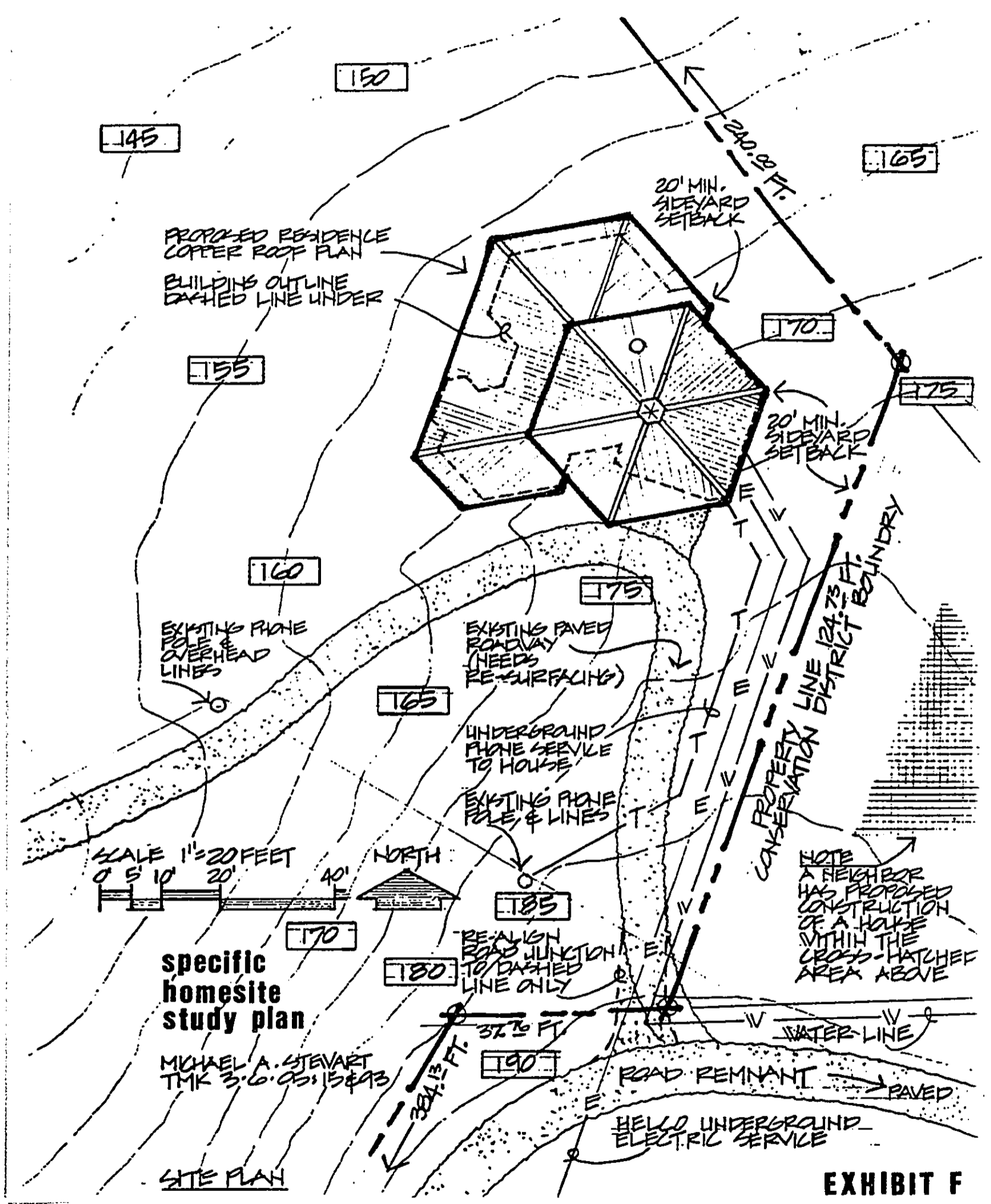
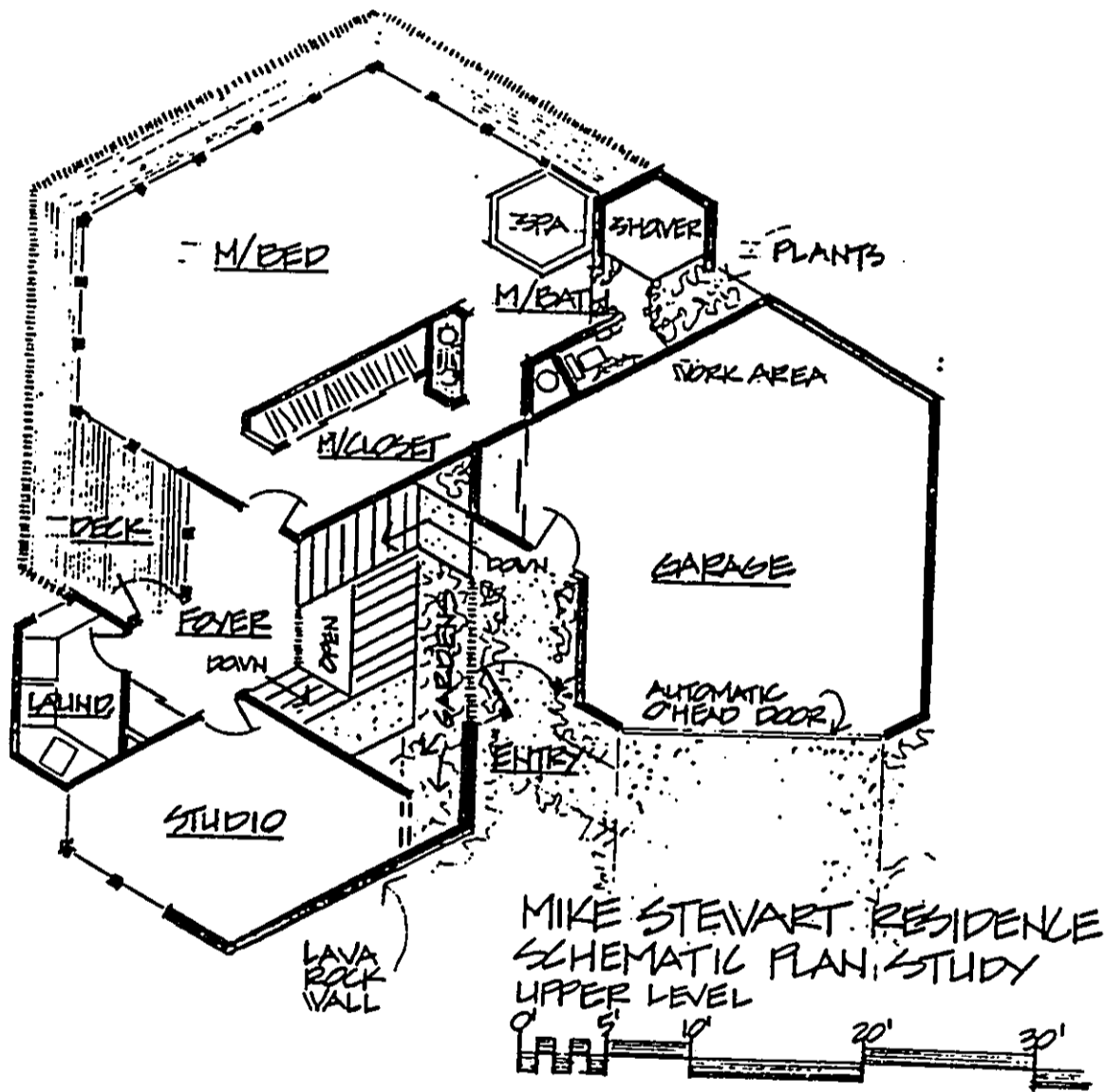


EXHIBIT F



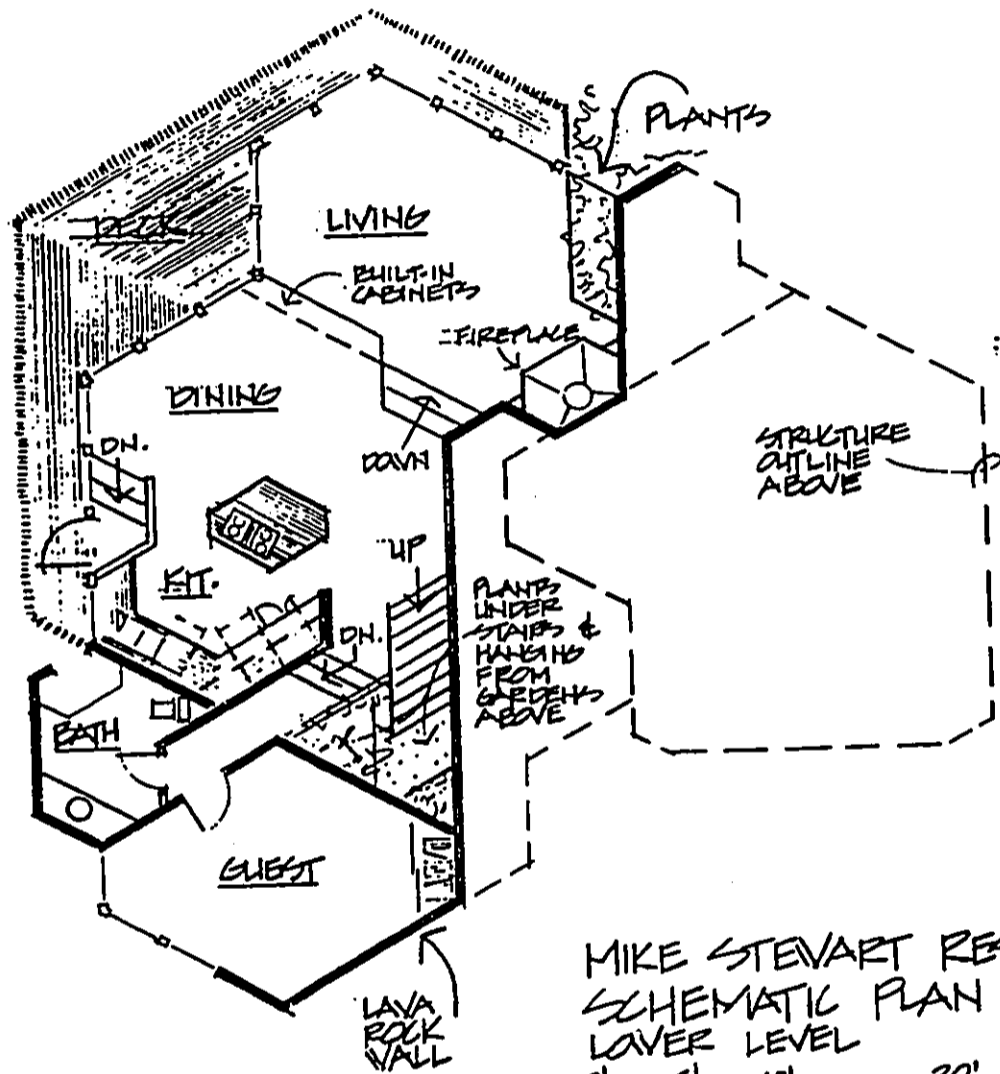
MIKE STEWART RESIDENCE
 SCHEMATIC PLAN STUDY
 UPPER LEVEL

AREAS	
HABITABLE SPACE	1,024 SQ. FT.
GARAGE	282 " "
DECKS	282 " "



UPPER FLOOR PLAN

EXHIBIT G



MIKE STEVART RESIDENCE
 SCHEMATIC PLAN STUDY
 LOWER LEVEL

AREAS	
HABITABLE SPACE	973 SQ. FT.
DECKS	232 " "



LOWER FLOOR PLAN

EXHIBIT H