

COUNTY OF HAWAI‘I PLANNING DEPARTMENT
BACKGROUND REPORT

SCOTT AND REBECCA MCINTYRE
SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION
(PL-SMA-2024-000049)

SCOTT AND REBECCA MCINTYRE have submitted an application for a Special Management Area Use Permit to construct a one-story, 2,204 square foot single-family residence and related improvements on a 2.56-acre shoreline parcel within the Special Management Area. The subject property is located at 35-2084 Hula‘ana Place approximately 550-feet northwest of the Hula‘ana Place and Old Māmalahoa Highway intersection, Kihalani, North Hilo, Hawai‘i, TMK: (3) 3-5-010:005.

PROPOSED DEVELOPMENT

1. **Request:** Scott and Rebecca McIntyre seek a SMA Use Permit to construct a new one-story single-family residence with 2,204 square feet (sf) of interior space, and 1,600 sf of accessory space including lanais, a garage, and walkway on a 2.56-acre parcel of land located within the Special Management Area (SMA) on the Island of Hawai‘i. The proposed one-story home will contain three (3) bedrooms and three (3) bathrooms, a garage and covered lanai. Additionally, the applicants are proposing to construct an Individual Wastewater System (IWS), a 6-foot-high rock wall along the front property boundary, a driveway for access, and an entry gate; all approximately 200-feet from the shoreline. The home will be powered by the existing electric service, with potable water provided via a county water connection.
2. **Project Objectives:** The purpose of the project is to construct a single-family residence on the subject parcel for personal use.
3. **Cost/Time of Project:** The current estimated cost of the improvements is \$1,500,000. The project would be initiated after completion of the final design and the granting of all necessary permits.

4. **Supportive Information:** The applicants have submitted the attached in support of the request: **(Planning Department Exhibit 1 – SMA Use Permit Application dated January 25, 2024)**
5. **Landowner:** Scott H. & Rebecca A. McIntyre; Driftwood, TX

BACKGROUND INFORMATION

6. **Special Management Area (SMA):** On July 5, 1995, SMA Minor Permit No. 27 was issued to allow for the development of a 6-lot subdivision which includes the subject parcel.
7. **Chapter 343, HRS:** Pursuant to Hawai‘i Revised Statutes (HRS) Ch. 343-5, the proposed activities do not trigger the need for an Environmental Assessment (EA), therefore, no EA is required.

STATE AND COUNTY PLANS

8. **State Land Use Designation:** Urban
9. **General Plan LUPAG MAP:** Low Density Urban (ldu), Medium Density Urban (mdu), and Open (ope)
10. **County Zoning:** Single-family residential 15,000 sf (RS-15)
11. **Hāmākua Community Development Plan (HCDP):** The Hāmākua Community Development Plan was adopted by the Hawai‘i County Council by Ordinance No. 18-078 on August 22, 2018.
12. **Special Management Area (SMA):** The project is located within the Special Management Area and therefore, the proposed development is subject to SMA review.

DESCRIPTION OF PROPERTY AND SURROUNDING AREA

13. **Subject Property:** The subject parcel is located approximately 250 feet makai of Hawaii Belt Road, at the northern terminus of Hula‘ana Place, approximately 550 feet northwest of the intersection of Hula‘ana Place and Old Mamalahoa Highway in the Laupāhoehoe Seacliff subdivision. The subject parcel contains a 26,105-square foot cemetery easement and a 1.64-acre drainage easement, leaving 0.4 acres of buildable area. It is trapezoid shaped, slightly narrowing in the makai direction. The southeastern perimeter of the property is at an elevation of approximately 260 feet and slopes downward in the makai direction to the edge of an approximately 120-foot high pali and is separated from the

ocean by a narrow strip of land. The northwestern portion of the property, which is entirely located within a drainage easement, leads down into Kihalani Gulch. The area of the proposed improvements was previously cleared for sugar cane cultivation and is currently undeveloped and is primarily vegetated with grasses and other common species commonly found in coastal landscaping.

14. **Surrounding Land Zoning/Uses:** The subject parcel is part of the Laupāhoehoe Seacliff subdivision. This property and the surrounding properties to the east and south are zoned RS-15. The subject parcel is bordered to the northwest by Kihalani Gulch and an 11.7-acre A-20a zoned property. The adjacent property to the south is currently vacant. The parcel directly northwest of the subject site is in the State Land Use Conservation District. All other surrounding parcels are designated State Land Use Urban. The surrounding properties are primarily residential, with most containing single-family dwellings. Other land uses in the area include the Laupāhoehoe Elementary and High School and Laupāhoehoe pool which are located approximately 1000 feet northwest of the project site.
15. **Flood Insurance Rate Map (FIRM):** The subject property is within Flood Zone X which is the area determined to be outside the 500-year flood zone. Additionally, the property is outside the 3.2-foot sea level rise exposure area according to the SLR-Xa map.
16. **Flora/Fauna Resources:** No biotic surveys were conducted for the subject parcel; however, the applicants do not believe that the site contains any rare or endangered floral and faunal resources. The parcel has been undeveloped and no rare or threatened species have been noted. Site vegetation consists of common, non-native plants, shrubs, and grasses such as African tulip, Guinea grass, Ironwood, Gunpowder tree, Strawberry guava, and coconut palms. The site is not known to be a habitat for any rare or endangered wildlife other than could be found along the shoreline. The residential/developed nature of the surrounding area would make it less likely to find other protected and endangered species. The applicants plan on conducting landscaping of the parcel and include establishing non-invasive plants consistent with the coastal area and surrounding properties (ti, naupaka).

17. **Archaeological Resources:** The project area has been previously cleared for sugar cane cultivation and thus it is unlikely that any historic sites will be found in the project area. It is noted, however, that a portion of property to the north of the project area contains a cemetery easement for an early to middle 20th century Japanese cemetery. The cemetery site was documented in a Burial Treatment Plan completed in 2003. The survey recorded the cemetery in detail and located each burial on the subject parcel. The Burial Treatment Plan recommended relocation of the cemetery. However, the State Historic Preservation Division (SHPD) concluded that relocation of the cemetery was not justified at that time and that the entire site should remain preserved in place. Thus, a final Burial Treatment Plan has not been approved. However, the applicants intend to preserve the cemetery easement in its current state and do not propose any development or uses within the cemetery easement. Although a proposed rock wall would front the entire property, crossing the easement access, access to the cemetery would be maintained via an unlocked gate. Additionally, subsequent to the proposed Burial Treatment Plan, testing of the cemetery boundaries in conjunction with the development of the adjacent property SHPD issued a letter indicating that no historic properties would be affected by the development of the adjacent parcel. The applicants have contracted with an archaeologist to conduct a field inspection of the cemetery easement to ensure that the boundaries are properly identified on their property and the applicants will comply with a condition to ensure proper clearances are obtained from SHPD prior to commencement of any construction activities. Since this project does not propose any development or use of the Cemetery easement, no effect to the cemetery or any historic properties is anticipated by the proposed development. Nevertheless, in the event any archaeological or historical features are found during any earth disturbance activity, work will stop within the affected area and appropriate clearances from SHPD, and the County Planning Department will be secured before work resumes. If needed, an archaeological monitoring program can be instituted during any land clearing activity. By letter dated May 22, 2024 (**Planning Department Exhibit 2 – May 22, 2024, Letter**), SHPD is requesting an Archeological Inventory Survey (AIS) with subsurface testing be conducted and that the AIS be reviewed and approved by SHPD prior to development

taking place.

18. **Cultural/Historic Resources:** All proposed improvements will be located a considerable distance from the shoreline. Therefore, no impacts to traditional shoreline uses are anticipated by this action. It is not known whether the subject site or immediately surrounding area was ever used for traditional and customary rights by native Hawaiians. As the project area has been previously cleared for sugar cane cultivation and much of the surrounding area has been used extensively for residential use for many years, it would appear very unlikely that the site would serve such a purpose today and/or in the recent past and the applicants have not observed any Native Hawaiians gathering plants on the subject site or the adjoining properties.
19. **Recreational Resources:** The subject parcel is located adjacent to the shoreline, however, limited access due to the high cliff in this area limits recreational activities such as fishing, gathering, and swimming. There is no public access through the subdivision and the nearest shoreline public access is via the Laupāhoehoe Point Beach Park approximately 1.5 miles northwest of the subject parcel.
20. **Scenic and Open Space Resources:** The dwelling is proposed to be only 17 feet in height and thus coastal view planes will be preserved. Additionally, any potential visual impacts will be further reduced based on the location of the proposed improvements and gentle downward sloping topography of the area in a mauka to makai direction. Furthermore, the dwelling should not be visible from the highway due to the existing vegetation along the highway. Therefore, visual impacts regarding the coastline will not significantly change from the current state.
21. **Public Access:** The requested action will not impact public access to the ocean or recreational resources. The parcel terminates at sea cliff and no shoreline access is possible from the property. Additionally, the subject improvements will be located a considerable distance from the shoreline.

PUBLIC UTILITIES AND SERVICES

22. **Access:** Access to the property is from Hula‘ana Place, a privately owned roadway which connects to Old Mamalahoa Highway. The road is adequate to support the proposed use. The development proposes a driveway from Hula‘ana Place. Minimal grading will be

required for this access.

23. **Water:** According to the Department of Water Supply, the subject parcel has an existing service lateral installed to the subject parcel that can accommodate a 5/8-inch water meter which allows for an average daily usage of 400-gallons which is suitable for one (1) single-family dwelling.
24. **Wastewater:** The single-family dwelling will utilize a Department of Health approved Individual Wastewater System (IWS).
25. **Other Essential Utilities and Services:** All other utilities, including electrical, telephone, and cable services are available to the site. The applicants are responsible for hauling all domestically generated trash to any available County Transfer Station.

AGENCIES' COMMENTS

26. **Real Property Tax Division (RPT): (Planning Department Exhibit 3 – February 16, 2024, Memo).**
27. **Department of Water Supply (DWS): (Planning Department Exhibit 4 – March 15, 2024, Memo).**
28. **Hawaii Fire Department (HFD): (Planning Department Exhibit 5 – February 23, 2024, Memo).**
29. **US Fish and Wildlife Service (USFWS): (Planning Department Exhibit 6 – March 7, 2024, Memo).**
30. **Hawai'i Department of Health (DOH): (Planning Department Exhibit 7 – February 16, 2024, Memo).**
31. **State Office of Planning and Sustainable Development: (Planning Department Exhibit 8 – March 15, 2024, Letter).**
32. **Department of Public Works (DPW) – Engineering Division: (Planning Department Exhibit 9 – March 18, 2024, Memo).**

AGENCIES - NO COMMENT

33. N/A

AGENCIES - NO RESPONSE

34. **Police; Department of Land and Natural Resources (DLNR)**

PUBLIC COMMENTS

35. The Department has not received any comments or objections from the general public or adjacent landowners on the subject application.

SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION

COUNTY OF HAWAII PLANNING COMMISSION

(Type or legibly print the requested information)

APPLICANT(S): Scott McIntyre & Rebecca McIntyre

APPLICANT'S SIGNATURE: Scott McIntyre Rebecca McIntyre DATE: Jan 25 2024 17:39 PST

ADDRESS: 343 Covered Wagon Way, Driftwood, TX 78619

LIST APPLICANT'S INTEREST (if not owner): _____

PHONE: (Bus.) 408-836-7192 (Res.) _____ (Email) mcintyre1908@gmail.com

REQUEST: To construct a new single-family dwelling and associated improvements

TAX MAP KEY: (3) 3-5-010:005 ZONING: RS-15

SIZE OF PROPERTY / AREA OF REQUESTED USE: 2.56 acres / 9,000 sf

LANDOWNER(S): Scott McIntyre & Rebecca McIntyre

FEE SIMPLE LANDOWNER(S) WRITTEN AUTHORIZATION

(may be provided by letter with the below statement included):

Scott McIntyre DATE: Jan 25 2024 17:39
PST

Rebecca McIntyre DATE: Jan 25 2024 17:36
PST

AGENT: Land Planning Hawaii LLC

AGENT ADDRESS: 194 Wiwoole St, Hilo, HI 96720

PHONE: (Bus.) 808-333-3393 (Res.) _____ (Email) info@landplanninghawaii.com

Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: Agent COPIES: Applicant

Planning Dept.
Exhibit 1

**SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION
SCOTT & REBECCA MCINTYRE
LAUPAHOEHOE, NORTH HILO, HAWAII
TMK: (3) 3-5-010:005**

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EXHIBITS

Exhibit A: No Effect Letter from SHPD regarding neighboring parcel

I. BACKGROUND INFORMATION

A. EIS

The proposed project was evaluated with respect to Hawai‘i Revised Statutes Chapter 343-5 and no triggers were identified. Therefore, further environmental review should not be required beyond what is detailed in this report.

B. Project Description

Scott and Rebecca McIntyre (“**applicants**”), are seeking a Special Management Area Use Permit to build a single-family residence and related improvements on the subject property located at 35-2084 Hula‘ana Place in Papa‘aloe, North Hilo, Hawai‘i. The subject parcel, which is located within the Special Management Area (SMA), is identified by TMK (3) 3-5-010:005 and is located approximately 250 feet makai of Hawaii Belt Road, at the northern terminus of Hula‘ana Place, approximately 550 feet northwest of the intersection of Hula‘ana Place and Old Mamalahoa Highway (**Figure 1**).

The applicants wish to develop a single-family residence containing three (3) bedrooms, three (3) bathrooms and a garage. The dwelling is proposed to contain 2,204 square feet of living space and 1,600 square feet of accessory space including lanais, a garage and walkway.

The parcel consists of 2.56 acres of land zoned Residential-15,000 square feet (RS-15). It contains a 26,105 square foot cemetery easement and a 1.64-acre drainage easement, leaving 0.4 acres of buildable area. The parcel is currently vacant of any structures.

The makai boundary of the parcel runs along the edge of a pali, at which point the parcel is separated from the ocean by a narrow strip of land at the base of the pali. All proposed improvements will be sited more than 200 feet from the edge of the pali and will thus be well outside of the shoreline setback. Since the proposed improvements will be located a considerable distance from the shoreline, a waiver from the requirement to obtain a certified shoreline survey is requested.

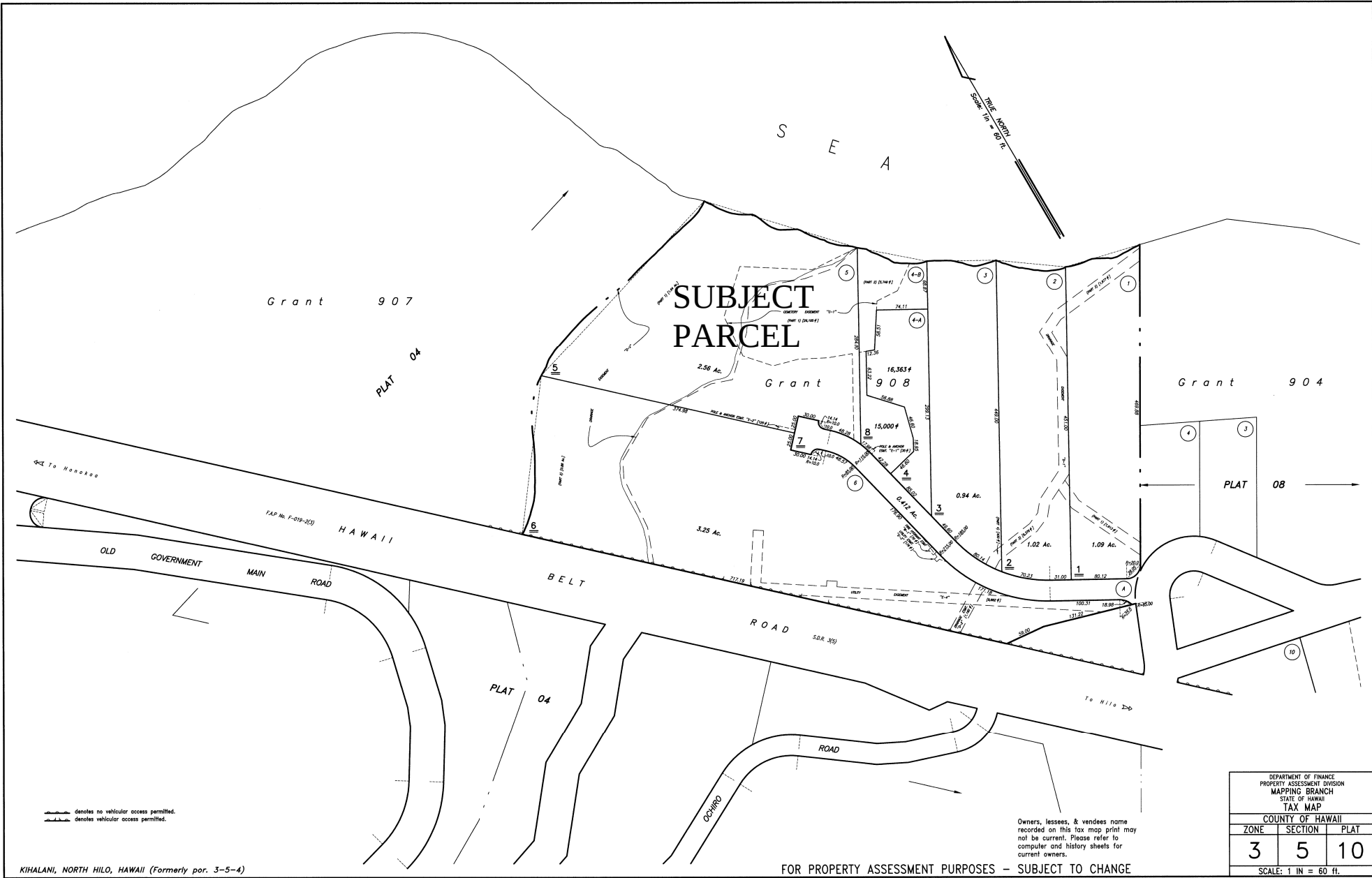
Project Objective

The project objective is to obtain an SMA Use Permit to build a single-family dwelling and associated improvements on the parcel subject to Special Management Area regulations outlined in the Planning Departments Rules of Practice and Procedure (Rule 9).

2/14/05
2/02/09
6/19/15

3 - 5 - 10 3RD. DIST.

DWG NO. _____ DATE October 11, 2004 BY HS SOURCE T.M.B., Sub. 7843



Owners, lessees, & vendees name recorded on this tax map print may not be current. Please refer to computer and history sheets for current owners.

FOR PROPERTY ASSESSMENT PURPOSES - SUBJECT TO CHANGE

PRINTED: _____

FIGURE 1

Project Components

The applicant proposes to construct a single-family residence containing three (3) bedrooms, three (3) bathrooms and a garage. The dwelling will consist of 2,204 square feet of living space and 1,600 square feet of accessory area (i.e. lanai, garage and walkways) for a total combined area of 3,804 square feet. Accessory improvements will include an Individual Wastewater System, 6-foot high rock wall along the front property line, a driveway and an entry gate.

In order to minimize ground disturbance, the dwelling has been designed with the natural topography of the building site in mind, resulting in portions of the dwelling being elevated from the ground (see site plan, floor plan and elevation drawings as **Figures 2-4**). Space below the dwelling will be used as storage.

County water is available to the site, as is electrical service. The parcel will require minimal grading to create the building pad and driveway.

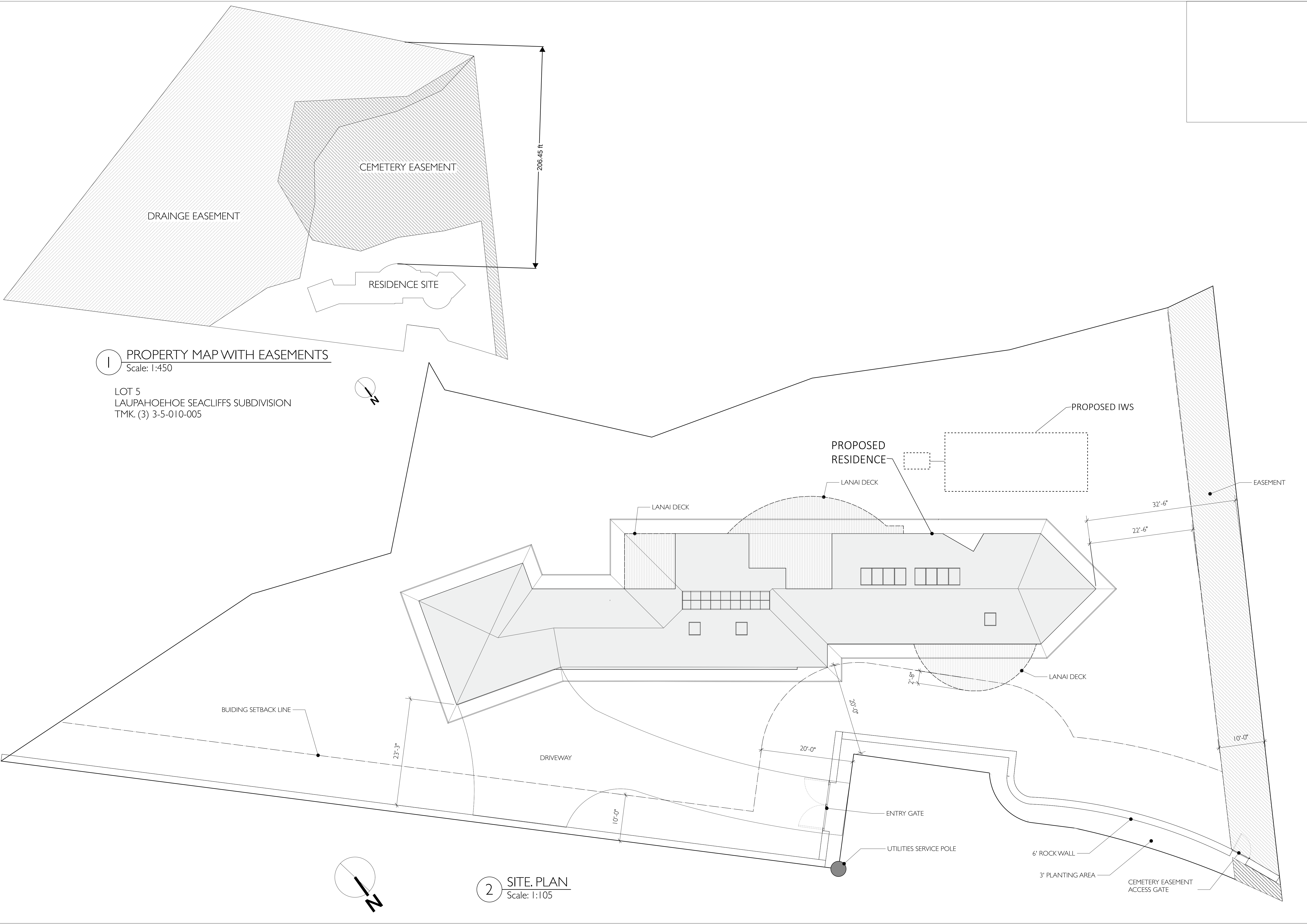
C. Property Description

The subject parcel, which is located within the Special Management Area (SMA), is identified by TMK (3) 3-5-010:005 and is located approximately 250 feet makai of Hawaii Belt Road, at the northern terminus of Hula‘ana Place, approximately 550 feet northwest of the intersection of Hula‘ana Place and Old Mamalahoa Highway in the Laupahoehoe Seacliffs subdivision (**Figure 1**). The property contains 2.56 acres of land zoned RS-15 (**Figure 5**). It contains a 26,105-square foot cemetery easement and a 1.64-acre drainage easement, leaving 0.4 acres of buildable area. It is trapezoid-shaped, slightly narrowing in the makai direction. The southeastern perimeter of the property is at an elevation of approximately 260 feet and slopes downward in the makai direction to the edge of an approximately 120-foot high pali and is separated from the shoreline by a narrow strip of land. The northwestern portion of the property, which is entirely located within a drainage easement, leads down into Kihalani Gulch.

The area of the proposed improvements was previously cleared for sugar cane cultivation as shown in the attached historical aerial photo taken in 1965 (**Figure 6**). It is currently undeveloped and is primarily vegetated with grasses and other common species commonly found in coastal landscaping.

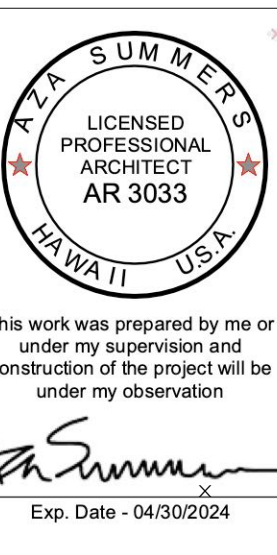
D. Project Valuation

The applicants hope to secure County SMA Permit approval as soon as possible and begin the Building Permit process immediately thereafter. Construction is anticipated to begin within one year of building permit approval and be complete within two years. The estimated value of this project is roughly \$1,500,000.00.



SUMMERS
STUDIO

Aza Summers
PO Box 1619
Honokaa, Hawaii
96727
(808) 937-0984



Project Title
McIntyre Residence
Owner

TMK: (3) 3-5-010-005

Date
2023/11/30
Project ID
2312 McIntyre

Site Plan

T02

FIGURE 2



SUMMERS
STUDIO

Aza Summers
PO Box 1619
Honokaa, Hawaii
96727
(808) 937-0984



This work was prepared by me or
under my supervision and
construction of the project will be
under my observation

Aza Summers
Exp. Date - 04/30/2024

Project Title
McIntyre Residence

Owner

TMK: (3) 3-5-010-005

Date

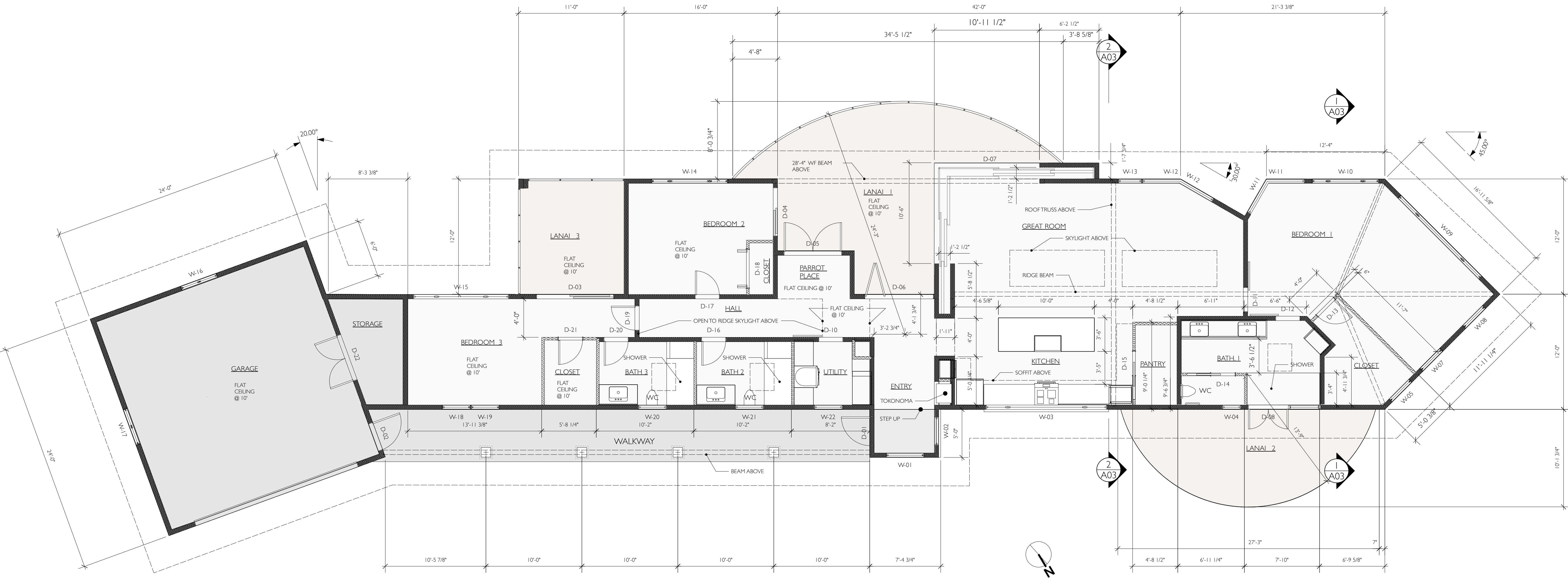
2023/11/30

Project ID

2312 McIntyre

Floor Plan

A01



1 FLOOR PLAN
Scale: 3/16" = 1'-0"

2204 SF ENCLOSED
1600 SF LANAI + GARAGE + WALKWAY

FIGURE 3



SUMMERS
STUDIO

Aza Summers
PO Box 1619
Honokaa, Hawaii
96727
(808) 937-0984



This work was prepared by me or
under my supervision and
construction of the project will be
under my observation

Aza Summers
Exp. Date - 04/30/2024

Project Title
McIntyre Residence

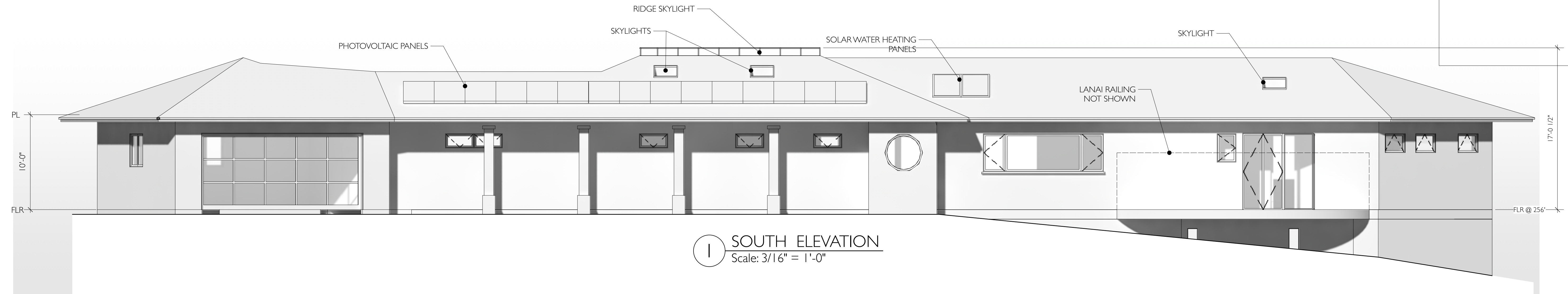
Owner

TMK: (3) 3-5-010-005

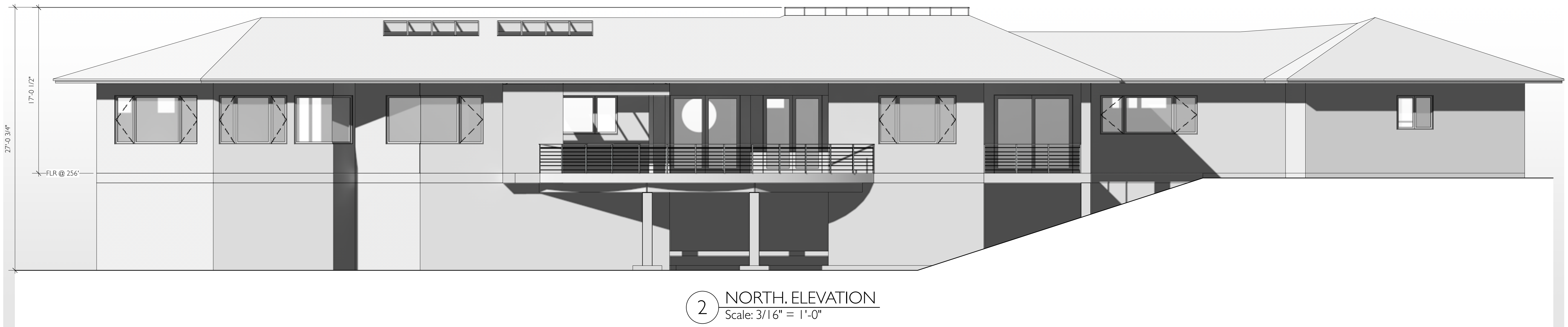
Date
2023/11/30
Project ID
2312 McIntyre

Elevations

A02



1 SOUTH ELEVATION
Scale: 3/16" = 1'-0"



2 NORTH ELEVATION
Scale: 3/16" = 1'-0"



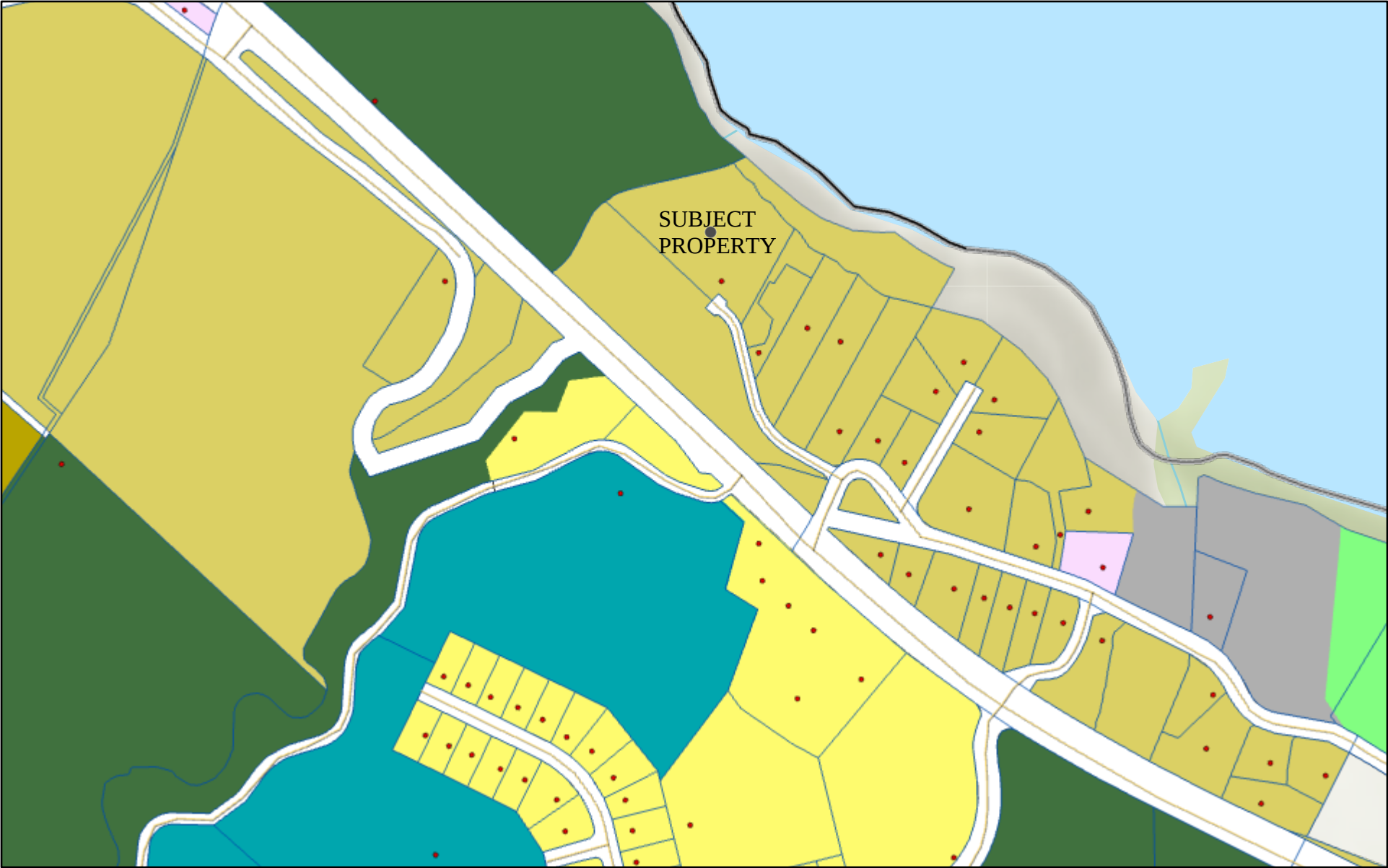
4 WEST ELEVATION
Scale: 3/16" = 1'-0"



3 EAST ELEVATION
Scale: 3/16" = 1'-0"

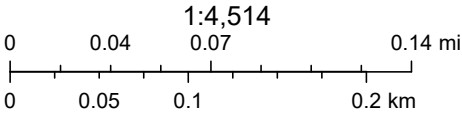
FIGURE 4

FIGURE 5 - ZONING MAP



12/6/2023, 11:55:17 AM

- Hawaii County Zoning
- | | | |
|--------|-------|----------------------------------|
| A-20a | RA-1a | Parcels (current boundary lines) |
| (road) | CV-10 | Address Points |
| A-10a | RS-10 | Street Centerlines |
| A-1a | MG-1a | |
| | RS-15 | |



County of Hawaii IT Department, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen,

Web AppBuilder for ArcGIS

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USDA AERIAL FROM 1965



FIGURE 6

E. State/County Plans Affecting Request

State Land Use

The State Land Use designation of the subject property is Urban (**Figure 7**).

The proposed construction of a single-family residence and associated improvements is consistent with this designation and will not be contrary to the objectives sought to be accomplished by the State Land Use Laws and Regulations. As such, the County can process this application.

While the property is not located within a Conservation District, it noted that the adjacent parcel to the northwest is located within the Conservation District. All proposed improvements will be contained to the southeastern portion of the subject parcel and thus will be a considerable distance (over 250 feet) from the neighboring Conservation land.

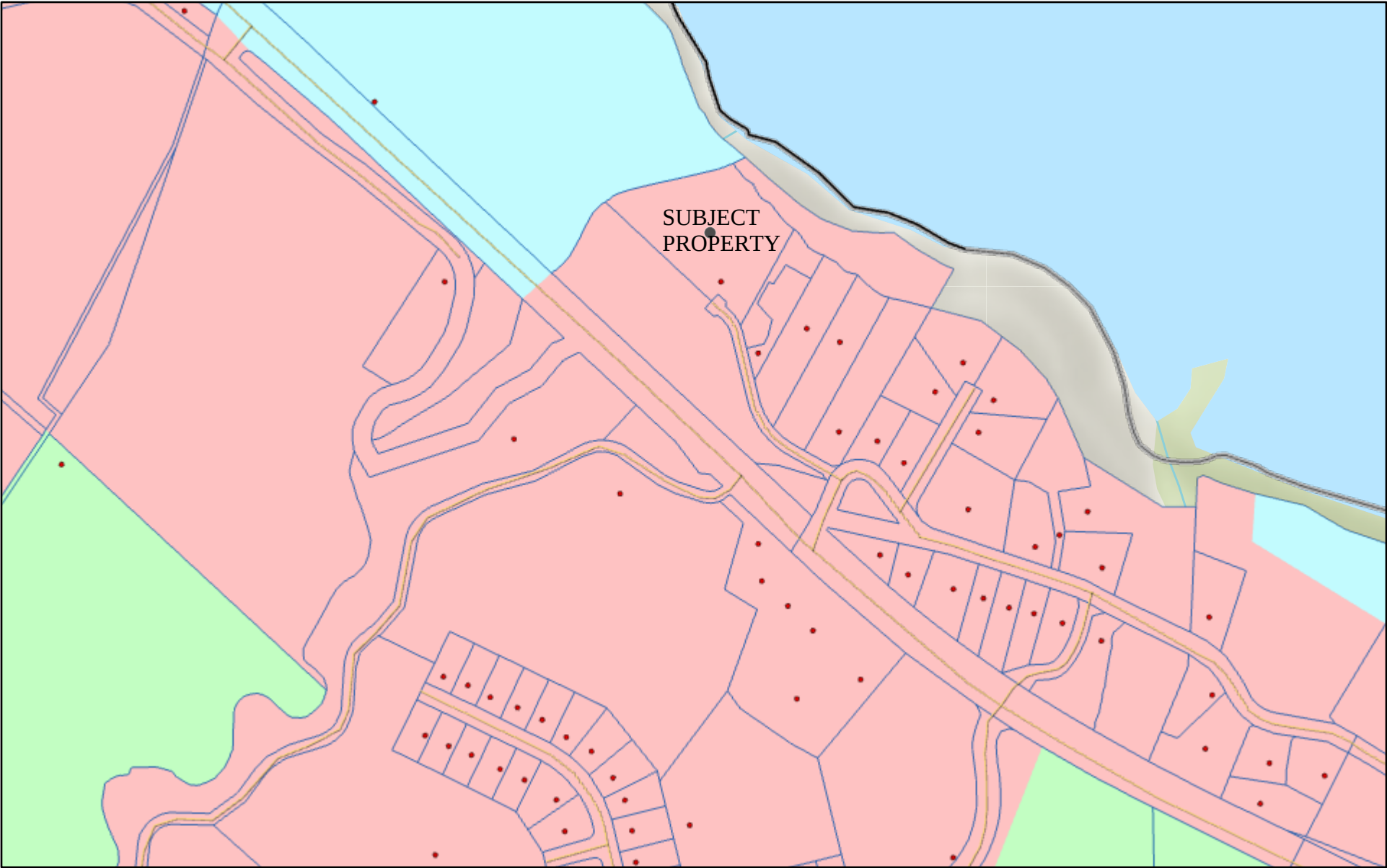
County Zoning

The subject property and the surrounding properties to the east and south are zoned Residential-15,000 square feet (RS-20) (**Figure 5**). The proposed construction of a single-family residence is an allowable use within this zoning district.

County General Plan

The General Plan provides for the long-range comprehensive development of the Island of Hawai‘i. It provides direction for balanced growth in the County. The County General Plan Land Use Pattern Allocation Guide (“LUPAG”) map designates the parcel a mix of Medium Density Urban, Low Density Urban and Open (**Figure 8**). The Medium Density Urban designation is intended for village and neighborhood commercial and single family and multiple family residential and related functions with up to 35 units per acre. However, that section of the property contains a large drainage easement and is thus not a suitable location for the proposed dwelling. The Open designation is generally intended for parks and other recreational areas, along with open shoreline areas. The Open area runs along the makai side of the parcel, and since the applicants plan to build a considerable distance from the shoreline, no development is planned within the area of the parcel designated as Open. The proposed development will thus be contained to the portion of the property designated as Low Density Urban. This designation is generally intended for residential use, with ancillary community and public uses, and neighborhood and convenience-type commercial uses with an overall residential density of up to six units per acre, thus the proposed request is not contrary to the County General Plan LUPAG map. The proposed dwelling will be placed on the *mauka* side of the property, more than 200-feet from the

FIGURE 7 - STATE LAND USE MAP



12/6/2023, 11:57:02 AM

State Land Use Classifications (SLU)

Agricultural

Conservation

Urban

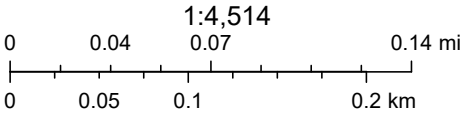
Parcels (current boundary lines)

Address Points

Street Centerlines

Hawaii County District Boundary

Coastline

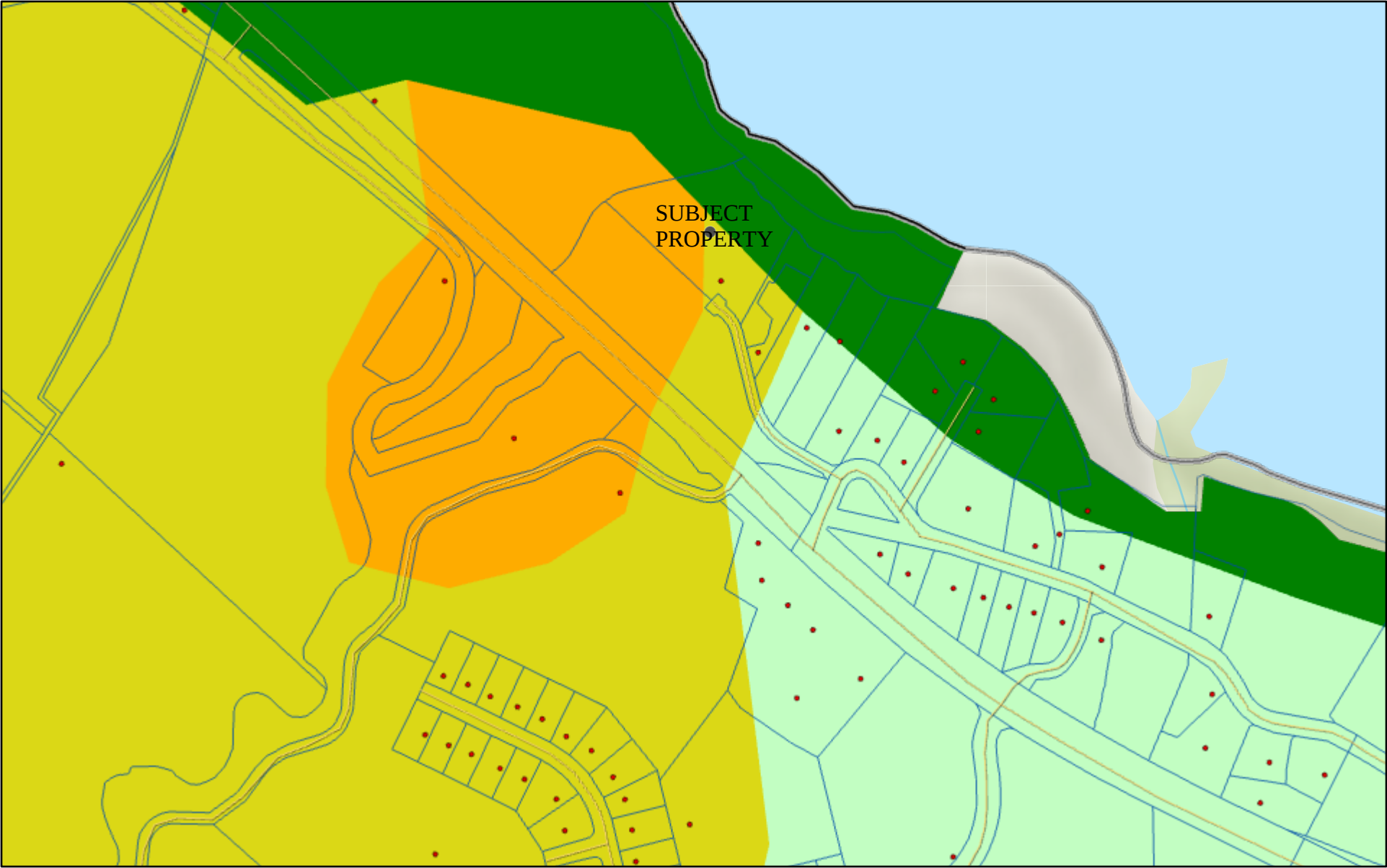


County of Hawaii IT Department, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen,

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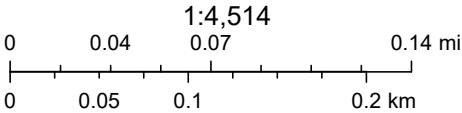
FIGURE 8 - LUPAG MAP



12/6/2023, 11:57:41 AM

- Land Use Pattern Allocation Guide (LUPAG)
- Medium Density Urban
 - Open Area
 - Parcels (current boundary lines)
 - Important Ag. Lands
 - Low Density Urban
 - Hawaii County District Boundary

- Address Points
- Street Centerlines



County of Hawaii IT Department, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen,

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pali. Further, the proposed action will retain the essential character of the land and will be consistent with the surrounding area and with the goals, policies, and standards of the General Plan document. Discussion of how the project relates to the various elements of the General Plan is provided here.

The proposed construction of one (1) single-family residence and associated improvements would provide temporary employment for local construction workers and would support the **economy** through the purchase of construction materials from on-island suppliers. This will stimulate and support the general economy and development of Hawai'i Island by allowing for local businesses to thrive and gain income from the proposed project. In the long-term, the newly constructed single-family residence will bring in additional property taxes, adding revenues to the County coffers.

The project is and will be **energy** conscious through its use and/or encouragement of solar energy and design features that take advantage of the sun and wind patterns.

The proposed development will not provide adverse effects on the **environment** or the natural resources of the region. The General Plan identifies five (5) areas of environmental concerns - air pollution, water quality, soil pollution, solid waste disposal, and noise pollution. As proposed, the project would not be contrary to any of those objectives.

There may be a modest increase in vehicular emissions during construction, but otherwise all other **air pollution** associated with the project should be negligible. Additionally, the long-term traffic generation, and thus vehicular emission, will be limited to typical residential use. Air pollutants during construction will be limited and temporary. The main sources of short-term air pollutants are construction equipment exhaust and dust. Rules and regulations outlined in Hawai'i Administrative Rules Chapter 59 "Ambient Air Quality," and Chapter 60.1 "Air Pollution," will be followed during all construction and operation activities. HAR §11-60 on Fugitive Dust prohibits visible emissions of dust from construction activities. These regulations will be strictly followed to prevent dust impacts. In addition, reasonable measures to control airborne and visible fugitive dust from road areas are outlined by the Department of Health's Clean Air Branch. These measures include, but are not limited to:

- Planning the different phases of construction, focusing on minimizing the amount of airborne, visible fugitive dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact.
- Providing adequate water sources at the site prior to start-up of construction activities; Landscaping and providing rapid covering of bare areas, including slopes, starting from the initial grading phase.

- Minimizing airborne, visible fugitive dust from shoulders, and access roads.
- Providing reasonable dust control measures during weekends, after hours, and prior to daily start-up of construction activities.
- Controlling airborne, visible fugitive dust from debris being hauled away from the project site.

Minimal grading will be required to build the home. Construction Best Management Practices (BMPs) will prevent impacts from stormwater runoff. These are discussed in Section I, subsection P of this report. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any improvements will be built, if necessary, in conjunction with the appropriate permitting process. The project will utilize an individual wastewater system approved by the Department of Health, which will mitigate potential water quality, coastal ecosystems, and soil impacts due to wastewater.

Construction BMPs and mitigating measures will prevent impacts to **soil**. The subject site is zoned Residential and is unclassified by the Land Study Bureau.

The long-term **solid waste** impact will be consistent with residential use with little potential for waste management issues or noxious wastes.

Temporary **noise** will occur during the construction of the dwelling, however, there should be little, if any, long-term impacts. The request is consistent with residential use in the surrounding area. Rules and regulations outlined in Hawai'i Administrative Rules Title 11, Chapter 46 "Community Noise Control" will be strictly followed.

No significant **visual impacts** are expected to occur. Visual impacts are negligible based on the location of the proposed improvements and gentle downward sloping topography of the area in a *mauka* to *makai* direction. The residence is proposed to be roughly 17 feet in height, well below the 35-foot maximum allowed in the existing zoning. Additionally, the proposed dwelling will not be visible from Highway 19 due to existing vegetation and will thus not block ocean view from the highway.

Following the guidelines of State and County requirements to minimize the possibility for spills and **hazardous materials** during construction, the applicant proposes the following:

- Construction activities with the potential to produce polluted runoff will be limited to periods of low rainfall;
- During construction, emergency spill treatment, storage, and disposal of all hazardous materials, will be explicitly required to meet all State and County requirements, and the contractor will adhere to "Good Housekeeping" for all appropriate substances, with the following instructions:

- Onsite storage will be limited to minimum practical quantity of hazardous materials necessary to complete the job;
- Fuel storage and use will be conducted to prevent leaks, spills or fires;
- Products will be kept in their original containers unless un-resealable, and original labels and safety data will be retained;
- Disposal of surplus will follow manufacturer's recommendation and all regulations;
- Manufacturers' instructions for proper use and disposal will be strictly followed;
- Regular inspection by contractor to ensure proper use and disposal;
- Onsite vehicles and machinery will be monitored for leaks and receive regular maintenance;
- Construction materials, petroleum products, wastes, debris, and landscaping substances (herbicides, pesticides and fertilizers) will be prevented from blowing, falling, flowing, washing or leaching into the ocean; and
- All spills will be cleaned up and properly disposed of immediately after discovery.
- Unused materials and excess fill (if any) will be properly disposed of at an authorized waste disposal site.

With regard to **flooding**, The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies the parcel as within Zone "X" (areas outside of the 500-year flood) (**Figure 9**). Additionally, the parcel is not within the 3.2-foot sea level rise exposure area. The applicant has not observed any significant runoff or erosion in the recent past.

With regard to **historic sites**, the area of proposed improvements has been previously cleared for sugar cane cultivation as shown on the attached historical aerial photo taken in 1965 (**Figure 6**) and thus it is unlikely that any historic sites would be found in the project area. It is noted, however, that a portion of property to the north of the project area contains a cemetery easement for an early to middle 20th century Japanese cemetery. The cemetery site was documented in a Burial Treatment Plan prepared by Paul H. Rosendahl, Ph.D., Inc. (PHRI) in 2003. PHRI recorded the cemetery in detail and located each burial using a Topcon Total Station. The Burial Treatment Plan recommended relocation of the cemetery. However, DLNR-SHPD concluded that relocation of the cemetery was not justified at that time and that the entire site should remain preserved in place. Thus, a final Burial Treatment Plan has not been approved. However, the applicants intend to preserve the cemetery easement in its current state and do not propose any development or uses within the cemetery easement. Although a proposed rock wall would front the entire property, at the easement, access to the cemetery would be maintained via an unlocked gate.

Additionally, subsequent to the proposed Burial Treatment Plan, testing of the cemetery boundaries was conducted by Dr. Bob Rechtman in conjunction with the development of the adjacent property and the State Historic Preservation Division



Flood Hazard Map

Title:

Notes:

Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

Map generated
on 12/06/2023



[Map Legend](#)

FIGURE 9

issued a letter indicating that no historic properties would be affected by the development of the adjacent parcel (**Exhibit A**). The applicants have contracted with an archaeologist to conduct a field inspection of the cemetery easement to ensure that the boundaries are properly identified and the applicants will comply with a condition to ensure proper clearances are obtained from SHPD prior to commencement of any construction activities.

Since the applicants will ensure that the cemetery boundaries are properly identified and the proposed dwelling will maintain at least a 20-foot buffer from the boundaries of the cemetery easement, no effect to historic properties is anticipated by the proposed development. Nevertheless, in the event any archaeological or historical features are found during any earth disturbance activity, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD and County Planning Department will be secured before work resumes. If needed, an archaeological monitoring program can be instituted during any land clearing activity.

The General Plan also emphasizes that developments be mindful of an area's **natural beauty**. The subject property is not located within an area recognized by the General Plan as an example of natural beauty. However, Kihalani Gulch, which is located just northwest of the parcel, is an area recognized by the General Plan as an example of natural beauty. Visual impacts of the project will be minimal based on the location of the proposed improvements on the southeast side of the property and the gentle downward sloping topography of the area in a *mauka* to *makai* direction. Additionally, the residence is proposed to be only 17 feet in height and will not be visible from Highway 19 due to existing topography and vegetation and will thus not block ocean views from the highway.

Coastal resources and access will not be impacted by the project. The proposed development will be located a considerable distance from the shoreline and will not impact coastal resources in any way.

In addition, since there is no increase in allowable density or change in permitted use, there will be no significant impact to **public utilities** or government services and infrastructure.

Given the above information, the project specifically fulfills the following pertinent **land use** goals, policies, and standards of the General Plan:

- *Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.*
- *Promote and encourage the rehabilitation and use of urban areas that are serviced by basic community facilities and utilities.*
- *Encourage the development and maintenance of communities meeting the needs of its residents in balance with the physical and social environment.*

- *Encourage urban development within existing zoned areas already served by basic infrastructure, or close to such areas, instead of scattered development.*

In view of the foregoing goals and policies, it is noted that the requested Special Management Area Use Permit would not be contrary to the County General Plan. The proposed development will complement the goals, policies, and standards of the Land Use Elements of the General Plan. The project will be designed and constructed in conformance with the character of the surrounding neighborhood and will result in an intensity of land use that is no higher than what is permitted by the existing zoning.

Hāmākua Community Development Plan

The Hāmākua Community Development Plan (HCDP) was developed through the implementation of the 2005 County of Hawai‘i General Plan. CDP’s are designed to translate and implement the goals, policies, and standards of the General Plan as they apply to specific communities and districts. Additionally, they provide an important framework for a community’s intended outcome and vision and are often used as a forum for community input in terms of land-use, availability of public resources, and overall development. The following objectives and policies of the HCDP apply to the project area and proposed development:

Objective 5: *Direct future settlement patterns that are sustainable and connected. Honor Hāmākua’s historic and cultural assets by concentrating new development in existing, walkable, mixed-use town centers while limiting rural sprawl.*

Objective 8: *Promote, preserve and enhance a diverse, sustainable, local economy.*

Objective 9: *Encourage the increase and diversity of employment and living options for residents, including living wage jobs and entrepreneurial opportunities that allow residents to work and shop close to home and that complement Hāmākua’s ecology, rural character, and cultural heritage.*

Policy 1: *With the adoption of the Hāmākua CDP, Figures 2-13 are adopted as the Land Use Guide Map for the Hāmākua CDP Planning Area. Future land use decisions in the Hāmākua CDP planning area shall be consistent with the Land Use Guide Map, unless the CDP and the General Plan are in direct conflict, in which case the General Plan shall be controlling.*

As with the General Plan Land Use Pattern Allocation Guide (LUPAG) map, the CDP Land Use Guide Map designates preferred future development patterns by indicating the general location of various land

*uses in relation to each other. To maintain consistency, the land use category definitions used in the CDP Land Use Guide map are identical to those used in the 2005 General Plan LUPAG map. The CDP Land use Guide Map also sets Urban Growth Boundaries for every town/village in the Planning Area where the Low Density Urban designation ends. (the Laupahoehoe/Papa‘aloha Land Use Guide Map is attached as **Figure 10**)*

Policy 17: Development in the SMA, including subdivision, shall only be approved if it is first found that it will not have any substantial adverse environmental or ecological effect.

Discussion: The proposed single-family residence will be located within an area identified by both the General Plan and the HCDP Land Use Guide Maps as Low Density Urban and thus, the subject site is appropriate for the proposed development and would be consistent with surrounding land uses. Additionally, the proposed development will provide economic benefits in the form of construction jobs and increased tax revenues. Furthermore, as is elaborated upon elsewhere in this report, the subject project will not have any substantial adverse environmental or ecological effect. All development is proposed over 200 feet from the *makai* pali, and thus is a considerable distance from the shoreline, will not be impacted from erosion or subsidence and will not impede any coastal access.

F. Special Management Area & HRS 205A Guidelines Discussion

HRS 205A-2 Objectives

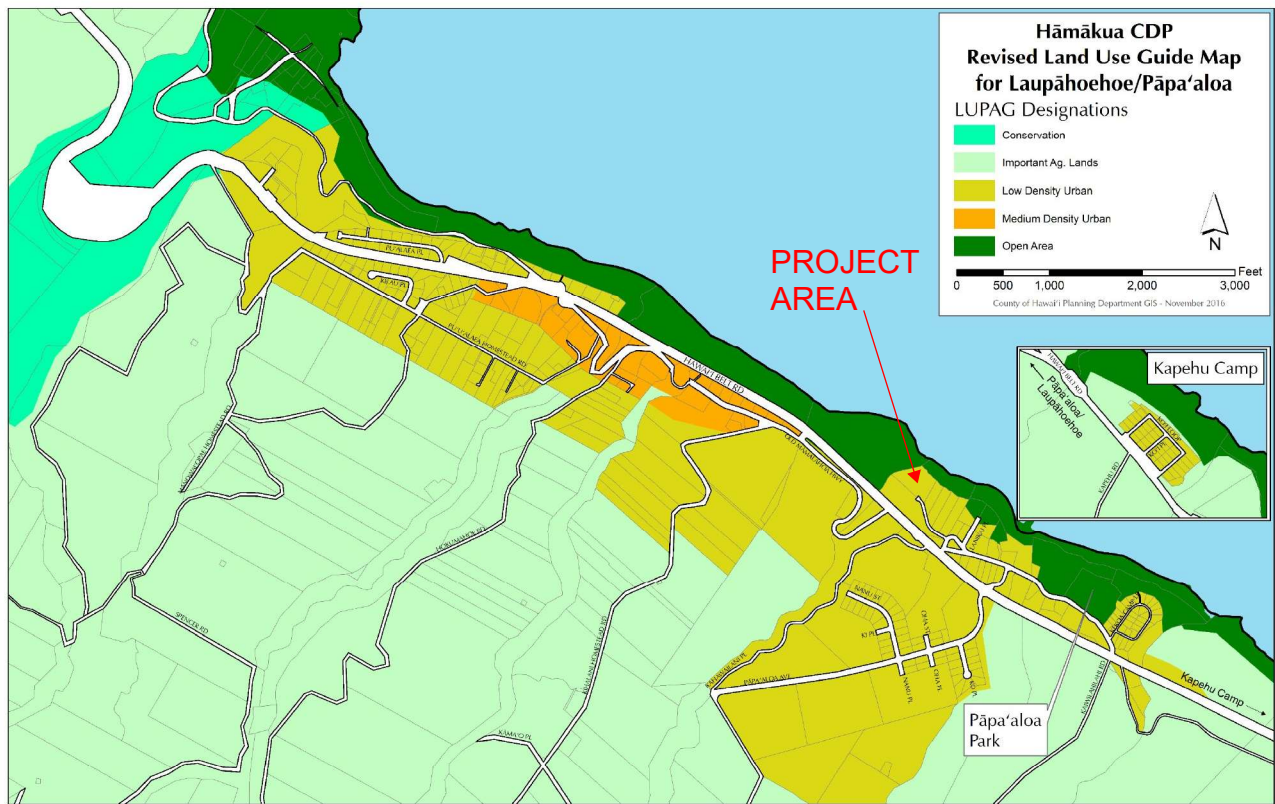
(1)(A) Provide coastal recreational opportunities accessible to the public.

The proposed project will support public coastal recreational opportunities by not interfering with or impeding on any public shoreline access. The proposed dwelling will be sited over 200 feet from the *makai* boundary of the parcel, which terminates at an approximately 120-foot high pali and is separated from the ocean by a narrow strip of land at the base of the pali. The nearest shoreline public access way is the Laupahoehoe Point Beach Park approximately 1.5 miles northwest of the subject site. Thus, the shoreline is not accessible from the subject property and the project will not interfere with any coastal recreational opportunities.

(2)(A) Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

Although no commissioned archaeological survey of the site was conducted in conjunction with the proposed project, it is unlikely that any historic sites would

Figure 9: Laupāhoehoe/Pāpa‘aloa Land Use Guide Map



be found in the project area as the project area has been previously cleared for sugar cane cultivation which is normally associated with extensive disruption of the land and the destruction of resident historical, floral and faunal resources. However, in the event any archaeological or historical features are found during any earth disturbance activity, work will stop within the affected area and appropriate clearances from the State Historic Preservation Division (SHPD) and County Planning Department will be secured before work resumes. It is noted that a 26,105 square foot cemetery easement with access from Hula‘ana Place exists on the property. The easement contains an early to middle 20th century Japanese cemetery which has been documented with SHPD. No development is proposed within the cemetery easement and thus the proposed development will not affect the cemetery. Access to the cemetery will be preserved via an unlocked gate.

(3)(A) Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.

The proposed project will not have a significant impact on the area’s scenic and open space resources. The dwelling is proposed to be only 17 feet in height and thus coastal view planes will be preserved. Additionally, any potential visual impacts will be further reduced based on the location of the proposed improvements and gentle downward sloping topography of the area in a *mauka* to *makai* direction. Furthermore, the dwelling should not be visible from the highway due to the existing vegetation along the highway. Therefore, visual impacts regarding the coastline will not significantly change from the current state.

(4)(A) Protect valuable coastal ecosystems, including reefs, beaches, and coastal dunes, from disruption and minimize adverse impacts on all coastal ecosystems.

The proposed project will be developed in accordance with construction Best Management Practices to minimize adverse impacts to air pollution, sedimentation, and erosion, control stormwater runoff, and wastewater management. Minimal grading will be required. An individual wastewater system approved by the Department of Health will be installed to mitigate effects of wastewater disposal. Relative to coastal ecosystems, there should be little, if any, adverse impacts.

(5)(A) Provide public or private facilities and improvements important to the State's economy in suitable locations.

The proposed construction of one (1) single-family residence and associated improvements would provide temporary employment for local construction workers and would support the economy through the purchase of construction materials from on-island suppliers. This will stimulate and support the general economic stability and development of Hawai‘i Island by allowing for local businesses to thrive and gain income from the proposed project. In the long-term,

the newly constructed single-family residence will bring in additional property taxes, adding revenues to the County coffers.

(6)(A) Reduce hazard to life and property from coastal hazards.

Due to its elevation, the property is not within the Civil Defense tsunami evacuation zone and is also not within a flood zone. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies the parcel as Zone “X” (areas outside of the 500-year flood) (**Figure 9**). The parcel is also outside of the 3.2-foot sea level rise exposure area. Furthermore, all proposed improvements will be sited a considerable distance from the shoreline.

(7)(A) Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

The proposed project will be consistent with preserving, protecting, and participating in the public review process. The public will be able to participate in the proposed project during the Planning Commission public meetings and testimony process to voice support and/or concerns.

(8)(A) Stimulate public awareness, education, and participation in coastal management.

As this is a managing authority related policy, it is not applicable.

(9)(A) Protect beaches and coastal dunes for:

- (i) Public use and recreation;*
- (ii) The benefit of coastal ecosystems; and*
- (iii) Use as natural buffers against coastal hazards; and*

The proposed project will not impact beaches, coastal dunes, public use, or recreation. Proposed mitigating measures for storm water and wastewater concerns will prevent impacts to public use and recreation and coastal ecosystems.

(9)(B) Coordinate and fund beach management and protection.

As this is a managing authority related policy, it is not applicable.

(10)(A) Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

Minimal grading will be required. Wastewater will be handled through an individual wastewater system approved by the Department of Health. This system will be a considerable distance from the shoreline (over 200 feet). No long-term impacts are expected with the implementation of Best Management Practices and

mitigating measures. By utilizing a previously disturbed area, potential adverse impacts to natural landscapes and ecosystems on alternative locations are avoided.

HRS 205A-2 Policies

(1)(A) Improve coordination and funding of coastal recreational planning and management.

As this is a managing authority related policy, it is not applicable.

(1)(B) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:

- (i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;*
- (ii) Requiring restoration of coastal resources that have significant recreational and ecosystem value, including but not limited to coral reefs, surfing sites, fishponds, sand beaches, and coastal dunes, when these resources will be unavoidably damaged by development; or requiring monetary compensation to the State for recreation when restoration is not feasible or desirable;*
- (iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;*
- (iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;*
- (v) Ensuring public recreational uses of county, state, and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;*
- (vi) Adopting water quality standards and regulating point and nonpoint sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;*
- (vii) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and*
- (viii) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, and county authorities; and crediting that dedication against the requirements of section 46-6;*

The recreational resources policies pertain to improving coordination and funding of coastal recreational planning and management and providing adequate, accessible, and diverse recreational opportunities in the coastal zone management area. As these are managing authority related policies, they are not applicable to this application. However, the proposed project will not impede public access or recreational resources.

(2)(A) Identify and analyze significant archaeological resources;

(2)(B) Maximize information retention through preservation of remains and artifacts or salvage operations; and

(2)(C) Support state goals for protection, restoration, interpretation, and display of historic resources;

The historic resource policies pertain to identifying, analyzing, preserving, and protecting historic resources. There are no known historic sites in the project area. However, it is noted that an early to middle 20th century Japanese cemetery is located within a cemetery easement north of the project area. No development is proposed within the cemetery easement. In the event any undiscovered historical, archaeological, or cultural resources are identified on the property, work will cease in the immediate area and the Department of Land and Natural Resources, State Historic Preservation Division will be contacted for appropriate action.

(3)(A) Identify valued scenic resources in the coastal zone management area;

(3)(B) Ensure that new developments are compatible with their visual environment by designing and locating those developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;

(3)(C) Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and

(3)(D) Encourage those developments that are not coastal dependent to locate in inland areas;

Kihalani Gulch is identified as a valued scenic resource in the County General Plan. The gulch is located just northwest of the property. The proposed dwelling will be sited on the southeast side of the parcel, over 200 feet from the gulch and over 200 feet from the *makai* perimeter of the property. The dwelling is proposed to be only 17 feet in height and will conform to the character of other dwellings in the area. Thus, the proposed dwelling will be compatible with the visual environment and views from nearby properties will not change significantly. Additionally, visual impacts from the highway will be negligible based on existing vegetation and the location of the proposed improvements on the property, which has a gentle downward sloping topography in a *mauka* to *makai* direction.

(4)(A) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;

The proposed project will practice an overall conservation ethic towards natural resource management and will not have any significant long-term impacts to water quality, coastal resources, flora or fauna, air quality, noise pollution, or scenic resources. Relative to coastal ecosystems, there should be little, if any, adverse impacts. The single-family residence will develop an individual wastewater system approved by the Department of Health. By utilizing a previously disturbed area of the property, potential adverse impacts to natural landscapes and ecosystems on alternative locations are avoided.

(4)(B) Improve the technical basis for natural resource management;

As this is a managing authority related policy, it is not applicable. However, as discussed above, the project will practice stewardship in the protection of all natural resources.

(4)(C) Preserve valuable coastal ecosystems of significant biological or economic importance, including reefs, beaches, and dunes;

Minimal grading will be required. Wastewater will be handled through an individual wastewater system approved by the Department of Health and located a considerable distance from the shoreline (over 200 feet). Construction BMPs will manage stormwater runoff. No long-term impacts are expected with the implementation of these BMPs and mitigating measures.

(4)(D) Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and

The planned development proposes no stream diversions, channelization or similar drainage or water use components.

(4)(E) Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures;

Construction Best Management Practices will prevent impacts to water quality from stormwater runoff. An individual wastewater system approved by the Department of Health will manage wastewater. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any improvements will be built, if necessary, in conjunction with the appropriate permitting process.

(5)(A) Concentrate coastal dependent development in appropriate areas;

As this is a managing authority related policy, it is not applicable.

(5)(B) Ensure that coastal dependent development and coastal related development are located, designed, and constructed to minimize exposure to coastal hazards and adverse social, visual, and environmental impacts in the coastal zone management area; and

The proposed project is planned, with appropriate mitigating measures, to minimize potential adverse social, visual, and environmental impacts. Any effect

that may result will be minimized to the extent practicable and is clearly outweighed by public health, safety, and welfare, and other compelling public interests.

(5)(C) Direct the location and expansion of coastal development to areas designated and used for that development and permit reasonable long-term growth at those areas, and permit coastal development outside of designated areas when:

- (i) Use of designated locations is not feasible;*
- (ii) Adverse environmental effects and risks from coastal hazards are minimized;*
and
- (iii) The development is important to the State's economy;*

Many properties in the surrounding area contain single-family residences. The request is consistent with surrounding uses and will be in keeping with existing developments in the area.

(6)(A) Develop and communicate adequate information about the risks of coastal hazards;

As this is a managing authority related policy, it is not applicable.

(6)(B) Control development, including planning and zoning control, in areas subject to coastal hazards;

(6)(C) Ensure that developments comply with requirements of the National Flood Insurance Program; and

(6)(D) Prevent coastal flooding from inland projects;

(7)(A) Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;

(7)(B) Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements; and

(7)(C) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process;

The managing development policies relate to use, implementation and enforcement of laws, processing of applications for development permits and communication of coastal development impacts to the public. This report details how the proposed use complies with existing laws and requirements.

(8)(A) Promote public involvement in coastal zone management processes;

(8)(B) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities; and

(8)(C) Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts;

The public participation policies relate to promoting public involvement and dissemination of information with respect to coastal zone management. These are managing authority related policies and are not applicable to this application. The public will be able to participate in the proposed project during the Planning Commission public meetings and testimony process to voice support and/or concerns.

(9)(A) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;

(9)(B) Prohibit construction of private shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;

(9)(C) Minimize the construction of public shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities;

The proposed dwelling would be located a considerable distance from the shoreline and well outside of the shoreline setback area to avoid any interference with natural shoreline processes. While coastal erosion along the sea pali is possible, the dwelling will be sited over 200 feet from the pali edge to avoid the potential for loss should there be any erosion to the pali. Additionally, the placement of the dwelling in the northeastern corner of the property seeks to conserve as much open space as possible. The project does not propose any shoreline hardening structures.

(9)(D) Minimize grading of and damage to coastal dunes;

The proposed development will not impact coastal dunes as none exist in the area. The proposed residence will be located over 200-feet from the shoreline and at an elevation of roughly 250 feet. All BMPs and mitigating measures discussed throughout the report will prevent all impacts to coastal resources.

(9)(E) Prohibit private property owners from creating a public nuisance by inducing or cultivating the private property owner's vegetation in a beach transit corridor; and

(9)(F) Prohibit private property owners from creating a public nuisance by allowing the private property owner's unmaintained vegetation to interfere or encroach upon a beach transit corridor.

The subject property is not proximate to a beach transit corridor. Nevertheless, the applicant will maintain vegetation on the property and will not cause any encroachment or disruption to any public shoreline access.

(10)(A) Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;

- (10)(B) Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;*
- (10)(C) Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;*
- (10)(D) Promote research, study, and understanding of ocean and coastal processes, impacts of climate change and sea level rise, marine life, and other ocean resources to acquire and inventory information necessary to understand how coastal development activities relate to and impact ocean and coastal resources; and*
- (10)(E) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.*

The marine resources policies relate to the development of marine and coastal resources, coordination of marine and coastal activities, forging State partnerships, promoting research of ocean and coastal processes, and encouraging new technologies for exploring, using, and protecting marine and coastal resources. These are managing authority related policies and are not applicable to this application.

Based on the foregoing, it is concluded that the proposed improvements are consistent with the objectives, policies, and guidelines of the Special Management Area Rules and Regulations. Specifically:

- A. The proposed project will not have any substantial, adverse environmental or ecological effect.

No adverse long-term impacts are expected to air or water quality, scenic views, soil, coastal resources or flora and fauna. Mitigating measures and best management practices will protect all natural resources.

Further, the proposed improvements will not generate any adverse effects by themselves or in conjunction with other individual developments, nor will the proposed improvements pose a potential cumulative impact which would result in a substantial adverse environmental or ecological affect or the elimination of planning options. Appropriate mitigative measures will be taken to address any potential adverse impacts of this project.

- B. The proposed activities are consistent with the County General Plan and County Zoning Code.

The proposed project is consistent with the County General Plan and existing RS-15 zoning.

G. Surrounding Zoning and Land Uses

The subject parcel is part of the Laupahoehoe Seacliffs subdivision. This property and the surrounding properties to the east and south are zoned RS-15. The subject parcel is bordered to the northwest by Kihalani Gulch and an 11.7-acre A-20a zoned property. The adjacent property to the south is currently vacant. The parcel directly northwest of the subject site is in the State Land Use Conservation District. All other surrounding parcels are designated State Land Use Urban. The surrounding properties are primarily residential, with most containing single-family dwellings. Other land uses in the area include the Laupahoehoe Elementary and High School and Laupahoehoe pool which are located approximately 1000 feet northwest of the project site. Although the ocean is just north of the property, no impacts are anticipated to the shoreline area as the proposed improvements will be sited well over 200 feet from the shoreline.

H. Flood Insurance Rate Map

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies the parcel as Zone “X” (areas outside of the 500-year flood) (**Figure 9**). The parcel is also outside the 3.2-foot sea level rise exposure area.

I. Archaeological Resources

The project area has been previously cleared for sugar cane cultivation as shown on the attached historical aerial photo taken in 1965 (**Figure 6**) and thus it is unlikely that any historic sites would be found in the project area. It is noted, however, that a portion of property to the north of the project area contains a cemetery easement for an early to middle 20th century Japanese cemetery. The cemetery site was documented in a Burial Treatment Plan prepared by Paul H. Rosendahl, Ph.D., Inc. (PHRI) in 2003. PHRI recorded the cemetery in detail and located each burial using a Topcon Total Station. The Burial Treatment Plan recommended relocation of the cemetery. However, DLNR-SHPD concluded that relocation of the cemetery was not justified at that time and that the entire site should remain preserved in place. Thus, a final Burial Treatment Plan has not been approved. However, the applicants intend to preserve the cemetery easement in its current state and do not propose any development or uses within the cemetery easement. Although a proposed rock wall would front the entire property, crossing the easement access, access to the cemetery would be maintained via an unlocked gate.

Additionally, subsequent to the proposed Burial Treatment Plan, testing of the cemetery boundaries was conducted by Dr. Bob Rechtman in conjunction with the development of the adjacent property and the State Historic Preservation Division issued a letter indicating that no historic properties would be affected by the development of the adjacent parcel (**Exhibit A**). The applicants have contracted with an archaeologist to conduct a field inspection of the cemetery easement to ensure that the boundaries are properly identified on their property and the applicants will

comply with a condition to ensure proper clearances are obtained from SHPD prior to commencement of any construction activities. Since this project does not propose any development or use of the Cemetery easement, no effect to the cemetery or any historic properties is anticipated by the proposed development. Nevertheless, in the event any archaeological or historical features are found during any earth disturbance activity, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD and County Planning Department will be secured before work resumes. If needed, an archaeological monitoring program can be instituted during any land clearing activity.

J. Valued Cultural Resources

In view of the Hawai'i State Supreme Court's "PASH" and "*Ka Pa`akai O Ka`Aina*" decisions, the issue relative to native Hawaiian gathering and fishing rights must be addressed. Specifically, there must be a discussion on the cultural, historical, and natural resources, as well as the associated traditional and customary practices of this site.

All proposed improvements will be located a considerable distance from the shoreline. Therefore, no impacts to traditional shoreline uses are anticipated by this action. It is not known whether the subject site or immediately surrounding area was ever used for traditional and customary rights by native Hawaiians. As the project area has been previously cleared for sugar cane cultivation and much of the surrounding area has been used extensively for residential use for many years, it would appear very unlikely that the site would serve such a purpose today and/or in the recent past and the applicants have not observed any Native Hawaiians gathering plants on the subject site or the adjoining properties.

In the event that legitimate gathering claims are made by Native Hawaiians, the applicant intends to respect and honor such claims and provide the legal and needed access within the site.

Based on the above, it does not appear that the project would have any potential adverse impact relative to the cultural, historical or natural resources of the area.

K. Public Access

The requested action will not impact public access to the ocean or recreational resources. The parcel terminates at sea cliff and no shoreline access is possible from the property. Additionally, the subject improvements will be located a considerable distance from the shoreline.

L. Floral and Faunal Resources

Although there were no professional surveys conducted of the floral or faunal resources of the site, the applicant does not believe that rare or endangered floral or

faunal resources are likely to be found within the project area due to the property's history of use for sugar cane cultivation. The parcel is primarily vegetated with African tulip tree (*Spathodea campanulate*), Guinea grass (*Urochloa maxima*), Ironwood (*Casuarina equisetifolia*), Coconut palm (*Cocos nucifera*) Foxtail palm (*Wodyetia bufurcata*), Banana (*Musa acuminata*), Gunpowder Tree (*Trema orientale*), Strawberry Guava (*Psidium cattleianum*), Octopus Tree (*Schefflera actinophylla*) all of which are common coastal plants.

Vegetation in the surrounding area is similar and also consists of Ti (*Cordyline fruticosa*), Hibiscus (*Hibiscus sp.*), Octopus tree (*Heptapleurum actinophyllum*), Bamboo (*Bambusa sp.*), and Bird of Paradise (*Strelitzia sp.*).

Several common birds frequent the area, including Common Myna (*Acridotheres tristis*), Spotted Dove (*Streptopelia chinensis*), House Finch (*Carpodacus mexicanus*), Saffron Finch (*Sicalis flaveola*), and Japanese White-Eye (*Zosterops japonicus*). It is also possible for feral cats (*Felis catus*), chickens (*Gallus gallus domesticus*), Indian mongoose (*Herpestes a. auropunctatus*), and pigs to be present at times. All of these animals are common and not endangered.

The applicants plan to do some landscaping of the property. Plans include non-invasive plants consistent with the coastal area and surrounding properties and may include ti (*Cordyline fruticosa*), naupaka (*Scaevola taccada*), and other low and non-invasive grasses or ornamentals as well as one avocado (*Persea americana*) tree.

The site is not known to be a habitat for any rare or endangered animal life. However, it would be possible to find the Hawaiian Hawk (I'o) (*Buteo solitarius*), the Hawaiian Owl (Pueo) (*Asio flammeus sandwichensis*), and the Hawaiian Hoary Bat or 'Ope'ape'a (*Lasiurus cinereus semotus*) flying over, roosting, or utilizing resources near the property.

The State listed Hawaiian Hoary Bat (*Lasiurus cinereus semotus*) has the potential to occur in the vicinity of the project area and may roost in nearby trees. Hoary Bats may be sensitive to disturbance between June 1st and September 15th, throughout which no shrubs or trees taller than 15 feet may be disturbed, removed, or trimmed without consulting the DLNR Division of Forestry and Wildlife (DOFAW). The State listed Hawaiian Hawk, or 'Io (*Buteo solitarius*) is also known to occur in the project vicinity. If any tree cutting occurs between March and September, DOFAW must be consulted first. A pre-construction hawk nest search by a qualified ornithologist using standard methods must be conducted. If nests are found, no land clearing is permissible until October.

According to DOFAW, artificial lighting can adversely impact seabirds that may pass through the area at night by causing disorientation. The disorientation can result in collision with manmade artifacts or grounding of birds. For nighttime lighting that might be required, DOFAW recommends that all lights be fully shielded to minimize impacts. Nighttime work that requires outdoor lighting should be avoided during the

seabird fledging season from September 15th through December 15th. This is the period when young seabirds take their maiden voyage to the open ocean.

The movement of plant or soil material between worksites, such as fill, must be minimized. Soil and plant material may contain invasive fungal pathogens such as Rapid 'Ōhi'a Death (ROD), vertebrate and invertebrate pests such as Little Fire Ants (*Wasmannia auropunctata*), or invasive plant parts that could harm native species and ecosystems. All equipment, materials, and personnel should be cleaned of excess soil before leaving the site. Gear that may contain soil, such as work boots and vehicles, should be thoroughly cleaned, and sprayed with 70% alcohol solution to prevent the spread of ROD and other harmful fungal pathogens. If any material removed from the site is moved to areas without fire ants or ROD, the material will be inspected and treated. No 'Ōhi'a trees are present on the Property; therefore, none will be cut down during construction.

M. Description of Access

Access to the property is from Hula'ana Place, a privately owned roadway which connects to Old Mamalahoa Highway. The road is adequate to support the proposed use. The development proposes a driveway from Hula'ana Place. Minimal grading will be required for this access.

N. Traffic Impacts

The proposed project seeks to build one (1) single-family residence in a residential subdivision. Traffic will therefore not increase substantially and will remain at the level that exists today.

O. Availability of Utilities

Water

County water is available to the site through the Department of Water Supply.

Wastewater

The dwelling will utilize a Department of Health approved individual wastewater system, which will mitigate potential impacts to water quality, coastal ecosystems, and soil due to wastewater.

Other Utilities

All other utilities such as telephone, internet and electrical services are available to the site.

P. Potential Areas of Concern

Coastal Hazards

The subject parcel terminates at an approximately 120-foot high sea cliff with all improvements proposed more than 200 feet from the cliff. Therefore, the development will not be directly affected by any coastal hazards such as high waves, erosion, or subsidence. Additionally, the parcel is located within Flood Zone X (**Figure 9**), outside the 3.2-foot sea level rise exposure area and is not located within the Civil Defense tsunami evacuation zone.

Coastal Resources

All construction activities will follow Best Management Practices to minimize adverse point and non-point pollution to coastal resources and surrounding areas. The following BMPs will be followed. This is not a comprehensive list; any other mitigating measures identified during the permitting process that are required to prevent significant impacts will be adhered to.

1. Soil loss and erosion will be minimized by stabilizing slopes and disturbed areas of soil. All exposed areas will be stabilized within seven (7) days of soil disturbance. Initiation of stabilization will commence within one (1) calendar day of soil-disturbing activities.
2. Sediment loss will be minimized by placing structural controls including silt fences, gravel bags, sediment ponds, check dams, and other barriers.
3. Sediment wattles and protective covers will be applied to soil and material stockpiles.
4. Stockpiles of debris will be located away from waterways and low spots. Debris will be removed periodically from the subject site to prevent large stockpiles.
5. No heavy machinery will be used within the 40-foot shoreline setback area. Low-impact tools such as jackhammers and wheelbarrows will be used instead.
6. Dust impacts will be minimized by erecting a screen or fence.
7. Routine inspection and maintenance of structural BMPs will be performed by trained personnel.
8. Significant leaks or spills will be properly cleaned and disposed of at an approved site.

The applicant has not observed any significant runoff or erosion on the subject property. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any improvements will be built, if necessary, in conjunction with the appropriate permitting process.

II. ANTICIPATED IMPACTS

A. Environmental Setting

General Description

The subject property contains 2.56 acres of land located on the makai side of Hula‘ana Place. The parcel is trapezoid-shaped and does not contain any structures. The southeast corner of the property is at an elevation of approximately 260 feet and the remainder of the property gently slopes downward toward the ocean with the *makai* (north) boundary of the parcel running along the edge of an approximately 120-foot high pali, at which point the parcel is separated from the ocean by a narrow strip of land at the base of the pali. All proposed improvements will be sited more than 200 feet from the edge of the pali, in the southeast portion of the parcel.

The mean average temperature in this general area is approximately 70-75 degrees Fahrenheit. Annual rainfall in the vicinity is approximately 140 inches.

Soils

The soil is comprised of approximately 40% Ookala medial silty clay loam (952) with 10 to 20 percent slopes. This soil type consists of ash fields on lava flows. It is considered well drained with a medium runoff class. It is not considered prime farmland. The other approximately 60% of the property is comprised of Ookala-rock outcrop complex (954) with 35 to 100 percent slopes. This soil type consists of gulches on ash fields on lava flows. It is considered well drained with a high runoff class and is not considered prime farmland. The proposed development will be contained to the Ookala medial silty clay loam area as the Ookala rock outcrop complex is primarily gulch and drainage easement (**Figure 11**).

Flora and Fauna

Although there were no professional surveys conducted of the floral or faunal resources of the site, the applicant does not believe that rare or endangered floral or faunal resources are likely to be found within the project area due to the property’s history of use for sugar cane cultivation. The parcel is primarily vegetated with African tulip tree (*Spathodea campanulate*), Guinea grass (*Urochloa maxima*), Ironwood (*Casuarina equisetifolia*), Coconut palm (*Cocos nucifera*) Foxtail palm (*Wodyetia bufurcata*), Banana (*Musa acuminata*), Gunpowder Tree (*Trema orientale*), Strawberry Guava (*Psidium cattleianum*), Octopus Tree (*Schefflera actinophylla*) all of which are common coastal plants.

Vegetation in the surrounding area is similar and also consists of Ti (*Cordyline fruticosa*), Hibiscus (*Hibiscus sp.*), Octopus tree (*Heptapleurum actinophyllum*), Bamboo (*Bambusa sp.*), and Bird of Paradise (*Strelitzia sp.*).

Soil Map—Island of Hawaii Area, Hawaii



FIGURE 11



Several common birds frequent the area, including Common Myna (*Acridotheres tristis*), Spotted Dove (*Streptopelia chinensis*), House Finch (*Carpodacus mexicanus*), Saffron Finch (*Sicalis flaveola*), and Japanese White-Eye (*Zosterops japonicus*). It is also possible for feral cats (*Felis catus*), chickens (*Gallus gallus domesticus*), Indian mongoose (*Herpestes a. auropunctatus*), and pigs to be present at times. All of these animals are common and not endangered.

The applicants' plan to do some landscaping of the property, primarily outside of the proposed rock wall fronting the property. Plans include non-invasive plants consistent with the coastal area and surrounding properties and may include ti (*Cordyline fruticosa*), naupaka (*Scaevola taccada*), and other low and non-invasive grasses or ornamentals as well as one avocado (*Persea americana*) tree.

The site is not known to be a habitat for any rare or endangered animal life. However, it would be possible to find the Hawaiian Hawk (I'o) (*Buteo solitarius*), the Hawaiian Owl (Pueo) (*Asio flammeus sandwichensis*), and the Hawaiian Hoary Bat or 'Ope'ape'a (*Lasiurus cinereus semotus*) flying over, roosting, or utilizing resources near the property.

The State listed Hawaiian Hoary Bat (*Lasiurus cinereus semotus*) has the potential to occur in the vicinity of the project area and may roost in nearby trees. Hoary Bats may be sensitive to disturbance between June 1st and September 15th, throughout which no shrubs or trees taller than 15 feet may be disturbed, removed, or trimmed without consulting the DLNR Division of Forestry and Wildlife (DOFAW). The State listed Hawaiian Hawk, or 'Io (*Buteo solitarius*) is also known to occur in the project vicinity. If any tree cutting occurs between March and September, DOFAW must be consulted first. A pre-construction hawk nest search by a qualified ornithologist using standard methods must be conducted. If nests are found, no land clearing is permissible until October.

According to DOFAW, artificial lighting can adversely impact seabirds that may pass through the area at night by causing disorientation. The disorientation can result in collision with manmade artifacts or grounding of birds. For nighttime lighting that might be required, DOFAW recommends that all lights be fully shielded to minimize impacts. Nighttime work that requires outdoor lighting should be avoided during the seabird fledging season from September 15th through December 15th. This is the period when young seabirds take their maiden voyage to the open ocean.

Volcanic and Earthquake Hazards

According to the United States Geological Survey maps, the project site is located within Lava Flow Hazard Zone 8, on a scale of ascending risks 9 to 1.

The Building Code designates the entire island of Hawai'i Earthquake Zone "D" and contains certain structural requirements to address the relative seismic hazard.

The proposed single-family residence will be designed and engineered to withstand seismic hazards according to the Hawai'i County Code, Chapter 5A.

Flood/Drainage

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate map (FIRM) identifies the parcel as within Zone "X" (areas outside of the 500-year flood) (**Figure 9**). Additionally, the project area is at an elevation of approximately 250 feet and is not within the 3.2-foot sea level rise exposure area.

Due to its elevation and proximity to the coastline, the property is not located within a tsunami evacuation zone, is located outside of the 500-year flood plan and is not affected by coastal flooding hazards.

B. Relationship to Land Use Plans and Policies

Special Management Area

The subject site is situated within the County Special Management Area (SMA). As such, a Special Management Area Use Permit is being requested. A discussion of this project's relationship to HRS Chapter 205A is found in Section I, subsection F of this report.

C. Probable Environmental Impact

There are no probable significant environmental impacts associated with the proposed action. The project will be energy conscious through its use of solar energy and design features that take advantage of the sun and wind patterns. The proposed development does not entail adverse effects on the environment or the natural resources of the region. There will be no long-term impacts to air pollution, water quality, soil pollution, solid waste disposal, or noise pollution. Wastewater will be handled by an individual wastewater system approved by the Department of Health in order to mitigate potential water quality, coastal ecosystem, and soil impacts due to wastewater. Pursuant to County drainage requirements, appropriate drywell and/or similar means to capture runoff from any improvements will be built, if necessary, in conjunction with the appropriate permitting process. Stormwater runoff will be managed during construction phases by utilizing Best Management Practices and mitigating measures.

D. Unavoidable Adverse Environmental Effects

The proposed action and land use will not have any significant adverse effects to natural resources. The applicants intend to utilize the land for a single-family residence, which is consistent with the residential use of the area.

No adverse long-term impacts are expected to air or water quality, scenic or other natural resources outside of temporary and minor impacts during construction. Mitigating measures and best management practices will protect soil and coastal resources. No impacts are anticipated to flora and fauna. No significant secondary or cumulative impacts are expected with the request.

E. Alternatives to Proposed Action

No Project

An alternative to the proposed project would be to not build the single-family dwelling and leave the parcel undeveloped. There is no significant justification for this alternative as the proposed dwelling would be consistent with surrounding land uses, is a permissible use in the Residential zoning district, the project site has been previously cleared and there are no anticipated impacts to native flora, fauna, or cultural and historic resources.

Alternate Location

An alternate location is not feasible due to existing easements on the property and setback requirements. Thus, no alternative layout would be more reasonable than the one proposed.

F. Mitigating Measures

The applicants plan to mitigate any potential impacts of the proposed project through the implementation of the Best Management Practices as previously detailed. Additionally, the height and placement of the dwelling should not disrupt view planes from nearby properties or the highway.

G. Irreversible and Irretrievable Commitment of Resources

The proposed action will not involve an irrevocable commitment, loss, or destruction of any natural, cultural, or historic resources. Earthwork will closely follow all mitigating measures and Best Management Practices to minimize impacts to natural resources.

It is highly unlikely that any historic, archaeological, or cultural resources are present in the project area as the site was previously used for sugar cane cultivation. However, in the event any historic, archaeological, or cultural features are discovered during construction, work will stop within the affected area and appropriate clearances from the State DLNR-SHPD, and County Planning Department will be secured before work resumes.

The requested action will not impact public access and the dwelling is proposed to be located over 200 feet from the shoreline.

The proposed action should not result in the irreversible or irretrievable commitment of any environmental resources. As such the proposed action is logical, reasonable and wholly consistent with established Special Management Area objectives and regulations.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

May 22, 2024

Zendo Kern, Director
County of Hawai'i
Planning Department
101 Pauahi Street, Suite 2
Hilo, Hawai'i 96720
Attn.: Tracie-Lee Camero
Email: tracie-lee.camero@hawaiiicounty.gov

IN REPLY REFER TO:
Project No. 2024PR00263
Doc. No. 2405SN08
Archaeology

Dear Mr. Kern:

**SUBJECT: Hawaii Revised Statutes (HRS) Chapter 6E-42 Historic Preservation Review
County of Hawaii Special Management Area Use Permit Application
(PL-SMA-2024-000049) To Construct a New Single-Family Residence
Applicant: Scott and Rebecca McIntyre
Laupāhoehoe Ahupua'a, North Hilo District, Island of Hawai'i
TMK: (3) 3- 5-010: 005**

This letter provides the State Historic Preservation Division's (SHPD's) HRS §6E-42 review for County of Hawaii Special Management Area (SMA) Use Permit Application (PL-SMA-2024-000049) to construct a new single-family residence. The SHPD received the submittal on February 28, 2024. It included a letter from County of Hawai'i dated February 16, 2024, requesting comments for the proposed project. Additional documents and information submitted included an aerial site photograph, construction/site plans, and a SMA permit application. The project area comprises a ~0.2-acre portion of the 2.28-acre property.

The project applicants, Scott and Rebecca McIntyre, are seeking to build a single-family residence and related improvements on the subject property located at 35-2084 Hula'ana Place in Papa'aloa, North Hilo. The dwelling will consist of 2,204 square feet of living space and 1,600 square feet of accessory area (i.e., lanai, garage and walkways) for a total combined area of 3,804 square feet. Accessory improvements will include an Individual Wastewater System, 6-foot-high rock wall along the front property line, a driveway, and an entry gate. The property consists of 2.56 acres of land zoned RS-15, a 26,105-sq.-ft. cemetery easement, and a 1.64-acre drainage easement, leaving 0.4 acres of buildable area.

A review of SHPD records indicates that an archaeological inventory survey (AIS) has not been conducted for the proposed project area. Our records also show that a Special Management Area (SMA) permit (2005) for the larger Laupāhoehoe Seacliffs subdivision was reviewed by our office. In that review, SHPD recommended that a burial treatment plan be submitted for the historic Japanese cemetery before any potential impacts on the cemetery could be approved (letter dated January 31, 2005; Log 005.0190, Doc. 0501KL07). However, in 2005, the County of Hawai'i approved the subdivision (Subdivision No. 7843) without a final burial treatment plan for the cemetery, which was marked on the final plat map as an easement extending into the subject parcel.

A previous SMA permit for an adjacent parcel (Parcel 4) was reviewed by SHPD in a letter dated March 25, 2013 (Log No. 2013.1792, Doc. No. 1303SN16), where a series of mechanical excavations were conducted to confirm the boundaries and extent of the cemetery. Recently, SHPD responded to a potential violation on March 22, 2022, within

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Planning Dept.
Exhibit 2

the cemetery boundaries, involving damages to several headstones during maintenance activities within the cemetery easement. SHPD and DOCARE (Report No. HA-22-00282) have an ongoing investigation into this matter.

At this time, the SHPD has insufficient information to determine the presence of historic properties and the potential for the project to impact subsurface historic properties and/or human burials. Therefore, **SHPD requests an archaeological inventory survey** with subsurface testing be conducted in order to adequately identify surface and subsurface historic properties, determine potential impacts to them, and ensure that appropriate mitigation is implemented. Additionally, **SHPD requests** consultation with our office regarding an appropriate testing strategy prior to initiation of the AIS.

The AIS shall be conducted by a qualified archaeologist to adequately identify and document any archaeological historic properties that may be present, assess their significance, provide a project effect recommendation, and provide appropriate mitigation recommendations. A list of permitted archaeological firms is provided on the SHPD website at: <http://dlnr.hawaii.gov/shpd/about/branches/archaeology/>.

When the AIS is completed, submit an AIS report meeting the requirements of HAR §13-276-5, along with a copy of this letter and the filing review fee (\$450) to HICRIS Project No. 2024PR00263 using the Project Supplement option.

Please note, SHPD will notify the Planning Department when the AIS report and any required mitigation plans are accepted, and the permit issuance process may continue.

Please contact Sean Nāleimaile at (808) 933-7651 or at Sean.P.Naleimaile@hawaii.gov for any questions or concerns regarding this letter.

Mahalo,

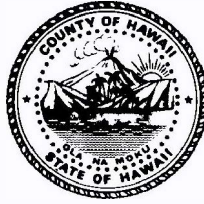
Susan A. Lebo

Susan A. Lebo, PhD
Archaeology Branch Chief
Acting Administrator, State Historic Preservation Division

cc: Alex Roy, alex.roy@hawaiicounty.gov
Scott and Rebecca McIntyre, mcintyre1908@gmail.com
Land Planning Hawaii LLC., info@landplanninghawaii.com

Mitchell D. Roth
Mayor

Deanna S. Sako
Managing Director



Diane Nakagawa
Finance Director

Aaron K. H. Brown
Deputy Director

County of Hawai'i

DEPARTMENT OF FINANCE - REAL PROPERTY TAX

Aupuni Center • 101 Pauahi Street • Suite No. 4 • Hilo, Hawai'i 96720-4679 • Fax (808) 961-8415
Appraisers (808) 961-8354 • Clerical (808) 961-8201 • Collections (808) 961-8282
West Hawai'i Civic Center • 74-5044 Ane Keohokalole Hwy. • Bldg. D, 2nd Flr. • Kailua Kona, Hawai'i 96740
Fax (808) 327-3538 • Appraisers (808) 323-4881 • Clerical (808) 323-4880

Date: February 16, 2024 Tax Map Key: 3-5-010-005-0000

To: Planning Director

From: Real Property Tax Office

Subj: Request for Comments and/or Review

Comments from the Appraisal Section:

- ☐ Property is receiving agricultural use value
- ☐ Property is dedicated to agricultural use
- ☐ Possible rollback taxes
- ☒ There are no comments at this time

Remarks: _____

Appraiser to Contact: Saesha Hanselman

Phone: (808) 961-8857

Comments from the collection section:

- ☒ Status of real property taxes:
- ☒ Current
- ☐ Delinquent / Amounts \$ _____
Amount includes tax, penalty & interest up to _____

Remarks: Real Property taxes for 2023-24 are current and paid up to June 30th 2024.

Collection personnel to contact: Shanayd Wusstig

Phone: 808-961-8347

Planning Dept.
Exhibit <u>3</u>



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAI'I 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

March 15, 2024

COH PLANNING DEPT
MAR 18 2024 PM 2:58

REC'D HAND DELIVERED

TO: Mr. Zendo Kern, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Special Management Area Use Permit Application (PL-SMA-2024-000049)**
Applicant - Scott McIntyre and Rebecca McIntyre
Request - To Allow the Construction of a Single-Family Dwelling and
Related Development
Tax Map Key (3) 3-5-010:005

We have reviewed the subject application and have the following comments and conditions.

The Department has no objections to the subject application as there is an existing service lateral installed to the subject parcel that can accommodate a 5/8-inch meter.

For your information, a 5/8-inch meter allows for an average daily usage of 400 gallons which is suitable for one (1) single-family dwelling.

Should there be any questions, please contact Mr. Ryan Quitoriano of our Water Resources and Planning Branch at (808) 961-8070, extension 256.

Sincerely yours,

Keith K. Okamoto, P.E.
Manager-Chief Engineer

RQ:dfg

copy – Mr. Scott and Ms. Rebecca McIntyre
Land Planning Hawaii LLC

Planning Dept.
Exhibit 4

... Water, Our Most Precious Resource ... Ka Wai A Kāne ...

The Department of Water Supply is an Equal Opportunity provider and employer.

Mitchell D. Roth
Mayor



Benjamin T. Moszkowicz
Police Chief

Reed K. Mahuna
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

349 Kapi'olani Street • Hilo, Hawai'i 96720-3998
(808) 935-3311 • Fax (808) 961-2389

February 23, 2024

REC'D HAND DELIVERED

COH PLANNING DEPT
FEB 26 2024 PM 2:17

TO : JEFFREY W. DARROW, DEPUTY PLANNING DIRECTOR
FROM :  KENNETH A. K. QUIROCHO, ASSISTANT POLICE CHIEF
AREA I OPERATIONS BUREAU

SUBJECT: SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION
(PL-SMA-2024-000049);
APPLICANT: SCOTT MCINTYRE AND REBECCA MCINTYRE;
REQUEST: TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY
DWELLING AND RELATED DEVELOPMENT;
TAX MAP KEY: (3) 3-5-010:005, LAUPAHOEHOE, NORTH HILO
DISTRICT, HAWAII

Staff, upon reviewing the provided documents, does not anticipate any significant impact to traffic and/or public safety concerns.

Thank you for allowing us the opportunity to comment.

If you have any questions, please contact Captain Reynold Kahalewai, Hamakua Patrol, at 775-7533 or via email at reynold.kahalewai@hawaiiicounty.gov.

RK:ws/24HQ0208

Planning Dept.
Exhibit 5

From: [Cole, Colleen](#)
To: [Dacayanan, Melissa](#)
Cc: [Roy, Alex](#); [Asman, Lindsay](#); [PIFWO Admin, FW1](#)
Subject: Special Management Area Use Permit Application PL-SMA-2024-000049
Date: Thursday, March 7, 2024 5:29:02 PM

Aloha Melissa Dacayanan-Salvador,

Thank you for sending the Special Management Area Use Permit Application PL-SMA-2024-000049 for the Scott McIntyre and Rebecca McIntyre request to construct a new single-family dwelling and associated improvements at TMK: (3) 3-5-010:005, Laupāhoehoe, North Hilo, Hawai‘i. We have reviewed the application and recommend the following:

- Obtain an official species list for the area (instructions below) which will provide you a list of all species potentially impacted by project activities in the area
- Request that applicants incorporate all the Avoidance and Minimization Measures (AMMs) associated with the species potentially found in the area

In particular, we recommend applicant incorporate all AMMs for Hawaiian Seabirds who may be traversing the area at night.

How to obtain an official species list:

The US Fish and Wildlife Service (Service) has streamlined portions of the consultation process. Your first step in our updated process is to obtain an Official Species List in our new Information for Planning and Consultation (IPaC) online tool, for which a link can be found at the box in top left corner of the this home page: <https://ecos.fws.gov/ecp/>

After entering basic project information, including a map of the project (you can use the map drawing tool or upload a GIS polygon that contains the project area(s)), please navigate to request an Official Species List. In addition to creating your species list, this process automatically generates an ECOSphere Project in our system, facilitating our work on your project. Each submitted project is assigned a unique Project Code; please provide this Project Code in any correspondence with our office relating to the project.

Your IPaC-generated Official Species List will include all federally listed species, critical habitat, migratory birds, and wetland habitat that occurs, or may transit through, the project vicinity. For projects in Hawaii, each species on your Official Species List page links directly below it that provides the Service’s recommended avoidance and minimization measures for that species. For projects on other islands, please email pifwo_admin@fws.gov to request our general avoidance and minimization measures so you can refer to them in the preliminary stages of project design.

A few IPaC tips:

- If you upload a polygon for your project area, please include all sites in a single file. Otherwise, you will get a project code for every site. To facilitate your closer look at which species may occur within smaller portions of your project site, you may utilize IPaC's functionality, without making the Official Species List request.
- Unless you are a federal agency with an existing programmatic consultation with us, you can ignore any prompts to further your consultation in IPaC or to utilize D Keys.
- Once you have an established account in Login.gov, you may access IPaC directly at <https://ipac.ecosphere.fws.gov/> or continue to access IPaC via the home page at <https://ecos.fws.gov/ecp/>, accessing IPaC in the upper left hand corner.
- Additional background information about IPaC:
 - Your official IPaC species list is based on species' range maps shown on each species' page in <https://ecos.fws.gov/ecp/>.
 - Survey the project footprint and adjacent areas that may be affected by project-related increases in noise, lighting, invasive species, wildfire, and other stressors. Use the survey data to inform project design and your analysis of the effects of the action to the species.
 - Address all the species in the Official Species List in your effects analysis.
 - Incorporate the Service's recommended avoidance and minimization measures to the extent you can, and coordinate with our office for project-specific technical assistance when the avoidance measures can't be implemented.

Please do not hesitate to contact pifwo_admin@fws.gov for additional assistance with IPaC.

Mahalo,

Colleen Cole

Biologist - Maui Nui & Hawai'i Island Team

Pacific Islands Fish and Wildlife Office

U.S. Fish and Wildlife Service

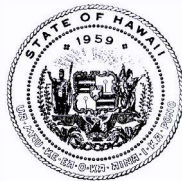
154 Waiānuenue Avenue Suite 103

PO Box 10225

Hilo, Hawai'i 96720-2452

Cell Phone: 808-859-1002

Email: colleen_cole@fws.gov



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

Planning Dept.
Exhibit 7

MEMORANDUM

DATE: February 16, 2024

TO: Mr. Zendo Kern
Planning Director, County of Hawaii

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: Special Management Area Use Permit Application (PL-SMA-2024-000049)
Applicant: Scott McIntyre and Rebecca McIntyre
Request: To Allow the Construction of a Single-Family Dwelling and
Related Development
Tax Map Key: (3) 3-5-010:005; Laupāhoehoe, North Hilo District, Hawai'i

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

1. All project activities shall comply with the Hawaii Administrative Rules (HAR), Chapters 11-59 and 11-60.1.

2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
3. Standard comments for the Clean Air Branch are at: <https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55.
 1. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standard-comments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, and 11-504.
2. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
3. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related to the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H, and 342I, and HAR Chapters 11-58.1 and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse, and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

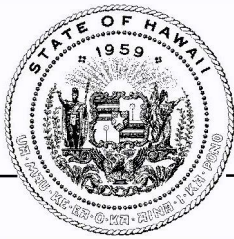
For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure. A demolition permit is required prior to demolition.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Hawaii District Health Office, at (808) 933-0917.



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LT. GOVERNOR

MARY ALICE EVANS
INTERIM DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawai'i 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawai'i 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

DTS202402161516NA

Coastal Zone
Management Program

Environmental Review
Program

Land Use Commission

Land Use Division

Special Plans Branch

State Transit-Oriented
Development

Statewide Geographic
Information System

Statewide Sustainability
Branch

March 15, 2024

Mr. Zendo Kern, Director
Department of Planning
County of Hawai'i
East Hawaii Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720

Attn: Alex Roy

Dear Mr. Kern:

Subject: Special Management Area Use Permit Application (PL-SMA-2024-000049) for a New Single-Family Dwelling and Related Improvements, Laupāhoehoe, North Hilo, Hawai'i; Tax Map Key: (3) 3-5-010: 005

Thank you for the opportunity to provide comments on the Special Management Area (SMA) Use Permit Application (PL-SMA-2024-000049), transmitted via memorandum dated February 16, 2024.

According to the subject SMA Use Permit Application, Scott and Rebecca McIntyre propose to build a single-family residence and related improvements on a vacant parcel located at 35-2084 Hula'ana Place in Papa'aloa, North Hilo.

The parcel consists of 2.56 acres of land, zoned Residential-15,000 square feet (RS-15). The property contains a 26,105 square foot cemetery easement and a 1.64-acre drainage easement, leaving 0.4 acres of buildable area. With three bedrooms and three bathrooms, the proposed single-family residence will contain approximately 2,204 square feet of living space and 1,600 square feet of accessory space, including lanais, a garage and walkway. Accessory improvements will include an individual wastewater system, a 6-foot-high rock wall along the front property line, a driveway, and an entry gate.

All proposed structures will be sited more than 200 feet from the edge of the *pali*. Waiver of a certified shoreline is requested.

Construction is anticipated to begin within one year of building permit approval and will be completed within two years. The estimated value of this project is \$1,500,000.

Planning Dept.
Exhibit 8

Mr. Zendo Kern
March 15, 2024
Page 2

The subject property is located in Zone X, an area determined to be outside of the 500-year flood, as designated under the Flood Insurance Rate Map by the Federal Emergency Management Agency National Flood Insurance Program. The parcel is not within the 3.2-foot sea level rise exposure area.

The Office of Planning and Sustainable Development (OPSD) has reviewed the subject SMA Use Permit Application, and has the following comment to offer:

1. The makai boundary of the parcel runs along the edge of a *pali*, at which point the parcel is separated from the ocean by a narrow strip of land and several hundred feet of vertical sea cliff. OPSD suggests that the Application discuss whether the site is on a shoreline parcel within the special management area.
2. OPSD recommends that the County of Hawaii Planning Department determine whether the proposed single-family residence is a “development” within the county designated SMA, pursuant to Hawaii Revised Statutes § 205A-22.

If you respond to this comment letter, please include DTS 202402161516NA in the subject line. For any questions regarding this letter, please contact Shichao Li of our office at (808) 587-2841 or by email at shichao.li@hawaii.gov.

Sincerely,



Mary Alice Evans
Interim Director

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: March 18, 2024

Memorandum

TO: Planning Director

FROM: Department of Public Works, Engineering Division



SUBJECT: Special Management Area Use Permit Application (PL-SMA-2024-000049)
Applicant: Scott McIntyre and Rebecca McIntyre
Request: To Allow the Construction of a Single-Family Dwelling and Related
Development
TMK: 3-5-010:005

We have reviewed the subject request and provide the following comments:

1. The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.
2. All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawaii County Code (HCC).

Questions may be referred to Robyn Matsumoto at 961-8924.

Planning Dept.
Exhibit <u>9</u>