

## Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

LARRY S. TANIMOTO  
Mayor

CERTIFIED MAIL

October 10, 1990

Mr. Ralston Nagata  
DLNR-Dept. of State Parks, Outdoor  
Recreation & Historic Sites  
P. O. Box 621  
Honolulu, HI 96809

Dear Mr. Nagata:

Special Management Area Use Permit Application  
Tax Map Key 6-6-02:35

The Planning Commission at its duly held public hearing on September 27, 1990, voted to approve your application, Special Management Area (SMA) Use Permit No. 301, to allow the construction of picnic facilities and related improvements, including tables, barbecue grills, landscaping, irrigation water system, and walkways, at the Hapuna State Beach Park, Lalamilo, South Kohala, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205-A, Hawaii Revised Statutes (HRS), and Rule No. 9, Special Management Area (SMA) Rules and Regulations of the County of Hawaii, is to preserve, protect, and, where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within the area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

One of the criteria for approving a development within the SMA is that it is consistent with the General Plan and zoning designation. The proposed development conforms to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map and zoning designation, both of which designate the area as Open. The

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Public Facilities Element of the General Plan states as a policy that "The County shall coordinate with appropriate State agencies for the provision of public facilities to serve the needs of the community." The Recreation Element states as a goal that "The County of Hawaii shall improve existing public facilities for optimum usage." The proposed picnic areas will provide much needed facilities as usage of the park by residents and visitors alike continues to increase. The General Plan states as a Course of Action for the South Kohala District to "encourage the full implementation of the Hapuna Beach State Park Master Plan including Wailea Bay area."

Another criteria in reviewing an SMA Use Permit application is that, "The development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and elimination of planning options." The proposed improvements are not anticipated to have any substantial adverse environmental or ecological effects. The project site is located within an area not known to contain any unique ecological systems nor provide habitat for any endangered plant or animal species. No adverse impacts on air and water quality are expected to be generated by the proposed development. Air emissions generated during the construction phase can be mitigated by existing regulations. Any potential runoff or discharge as a result of the project can be handled by on-site improvements as may be required by the Department of Public Works. Negative impacts resulting from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing regulations.

Activities associated with the proposed development are not anticipated to have any significant adverse impacts on coastal ecosystems or public access along the shoreline. Preparing and consuming food is an activity already occurring throughout the beach park. The provision of picnic facilities within the park would encourage food preparation and consumption in an appropriate area designed for such activities. The existing facilities are inadequate and encourages people to conduct these activities within the undeveloped portions of the park. The

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lack of proper facilities leads to the littering of these areas and its eventual impact to coastal resources. The proposed picnic facilities will concentrate the preparation and consumption of food in a developed portion of the park where the waste from such activities can be disposed of properly. Further, the proposed facilities will be located a minimum of 60 feet from the shoreline within an area outside of the beach property, thereby, ensuring that existing lateral public access along the shoreline is not restricted.

A 1978 archaeological reconnaissance of the undeveloped portions of Hapuna Beach State Park located several features within or in the immediate vicinity of the project site. These features were found to be significant enough for selective testing and transit mapping of these features to be done. The applicant is proposing that archaeological testing be done prior to the commencement of construction activities and having a qualified archaeologist monitor the construction activities. This approval recommendation is also conditioned upon notification of the Planning Department and appropriate action should any unidentified sites or remains be found before or during construction activities.

The proposed picnic facilities will not greatly intensify the visual or structural impact of the area. The applicant proposes to minimize the alteration of natural landforms as well as selective grubbing of the area during site preparation. The barbecue stands and tables will be the only "structures" to be erected within the project site. The proposed picnic facilities will be much less visually intrusive than the existing pavilions and restroom facilities in the immediate area. Thus, scenic and open space reserves will be minimally affected by the proposed picnic facilities and related improvements.

Based on the above, it is determined that the proposed development will not have substantial adverse impacts on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to Special Management Area.

Approval of this request is subject to the following conditions:

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1. The applicant, its successors, or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure a Conservation District Use Permit for the construction of the proposed picnic facilities from the Department of Land and Natural Resources, if applicable.
3. Final Plan Approval shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans shall identify the proposed picnic facilities, landscaping and related improvements associated with the proposed development.
4. Construction of the picnic facilities and related improvements shall commence within one year from the date of receipt of Final Plan Approval and shall be completed within one year thereafter.
5. An intensive archaeological survey of the features in the project site shall be conducted and findings and recommendations submitted for review and approval by the Planning Director, in consultation with the Department of Land and Natural Resources-Historic Sites Section, prior to securing Final Plan Approval. Furthermore, an archaeologist shall be on-site to monitor any land alterations associated with the proposed development.
6. As required by the Department of Public Works, a Flood Study shall be prepared for review and approved by the Department of Public Works prior to Final Plan Approval. =
7. A 60-foot setback from the vegetation line shall be staked. No construction or construction activities shall be conducted within the staked area.
8. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walks be encountered, work in the immediate area shall cease and the Planning Department

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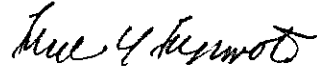
- shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
9. Comply with all other applicable laws, rules, regulations, and requirements including those of the Department of Public Works and the Department of Health.
  10. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
  11. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: a) the non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns and that are not the result of their fault or negligence; b) granting of the time extension would not be contrary to the General Plan or Zoning Code; c) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

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Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Fred Y. Fujimoto  
Chairman, Planning Commission

xc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Office - Kona  
DBED, CZM Program w/background  
DLNR  
State Department of Health

bcc: Plan Approval Section