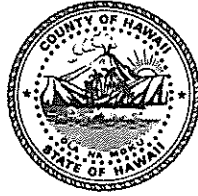


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL

MAR 01 1995

Ralston H. Nagata, State Parks Administrator  
Department of Land and Natural Resources  
Division of State Parks  
P.O. Box 621  
Honolulu, HI 96809

Dear Mr. Nagata:

Special Management Area Use Permit Application No. 352 (94-3)  
Applicant: State of Hawaii, Department of Land and Natural  
Resources, Division of State Parks  
Request: Construction of Accessibility Improvements for Disabled  
Persons Consisting of Access Ramp, Modification of Parking  
Area, Picnic Area and Picnic Tables  
Tax Map Key 6-6-2:35

The Planning Commission at its duly held public hearing on February 16, 1995, voted to approve the above-referenced application. Special Management Area Use (SMA) Permit No. 352 is hereby issued to the Department of Land and Natural Resources, Division of State Parks for accessibility improvements for disabled persons consisting of an access ramp, modification of parking area and picnic areas and tables at the Hapuna Beach State Recreation Area, Lalamilo, South Kohala, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended and Rule 9, Special Management Area Rules and Regulations of the County of Hawaii is to preserve, protect, and where possible, to restore the natural resources of the coastal zone area. Therefore, special controls on development within an area within the SMA are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

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One of the criteria for approving the proposed development within the SMA is that it is consistent with the General Plan and Zoning Code. The proposed project does conform to the General Plan's Goals, objectives, policies and standards of action of the Economic, Natural Resources and Shoreline, Natural Beauty & Recreation elements. In addition, it is also consistent with the General Plan Land Use Pattern Allocation guide map (LUPAG) for Open type uses.

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 of which taken in itself might not have a substantial adverse ecological effects. The Hapuna Beach State Recreational Area is already developed with infrastructural improvements for the public to enjoy the physical environment of the facility. The proposed handicapped accessibility improvements will enhance people's ability to experience the uniqueness and natural beauty of this state recreational area. The proposed improvements is not anticipated to have substantial adverse ecological effects. The Hapuna Beach State Recreational Area has been extensively improved for the public's convenience for outdoor recreation opportunities with the "A" frame cabins, pavilions, comfort stations, picnic tables, outdoor barbecue grills, drinking fountains, access roads, parking areas, a food concession building, walkways, potable and irrigation water systems and electrical distribution systems.

The proposed improvements will be located substantially away from the Beach area. The proposed improvements will consist of connection of the existing parking area to the existing comfort station and the existing picnic areas of the Hapuna Beach State Recreational Area and provide an improved access for disabled persons of the community as well as for our visitors. Any potential runoff or discharge which could reach ocean waters can be handled by on-site improvements. Negative impacts on the local water resulting from soil erosion and runoff during site preparation and constructions phases can be adequately mitigated through compliance with existing regulations. Therefore, no significant adverse impact to coastal ecosystems in anticipated.

The proposed improvements are expected to enhance the public access to this major recreational area. The new access will provide accessibility for disabled persons from the existing parking lot to the beach, comfort stations and picnic

areas from the handicapped stalls. Therefore, there will be no adverse impact to public access.

Viewplanes will not be significantly affected by the proposed improvements. The proposed improvements will be on the ground and not involve any structures to affect any viewplanes to the beach area.

An archaeological mitigation plan for Site No. 19,335 shall be required as a condition of approval for the proper management of the historical resources identified on the subject property. This management program shall be reviewed by the Planning Department in consultation with the Department of Land and Natural Resources. All recommendations of the management and preservation program shall be completed and approved by the DLNR, State Historic Preservation Division and Island of Hawaii Burial Council, if required, prior to the issuance of a grading permit for any construction activity on the subject property. Further, on-site construction monitoring by an archaeologist will be required due to the sensitivity of the site.

Based on the above findings, 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 Management and Rule No. 9 of the Planning Commission relating to the Special Management Area.

Approval of this request is subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of the permit.
3. The plans for the proposed improvements shall be submitted to the Planning Department for Plan Approval review within 3 years from the effective date of approval of the Special Management Area Major Use Permit. The plans for Plan Approval review shall consist of pre-construction drawings drawn to scale consisting of a grading plan, detailed landscaping plan, a site plan showing the location of proposed improvements, off-street parking, and any other information related to the improvements. The submittal of

plans for final Plan Approval shall also include the recommendations of the DLNR, State Historic Preservation Division for buffers, fencing, etc. for pre-construction and post- construction for the proposed improvements.

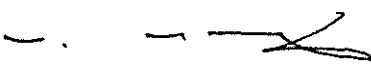
4. Construction of the proposed improvements shall commence within two years of the effective date of Final Plan Approval and be completed within two years from the date of issuance of the building permits.
5. An archaeological mitigation/preservation program for the subject site No. 19,335 shall be submitted to be reviewed and approved by the Planning Department, in consultation with the State Department of Land and Natural Resources-Historic Preservation Division, prior to submitting plans for plan approval review. This Plan shall consist of a proposed mitigation treatment must be approved by the Historic Preservation Division's Hawaii Island Burial Council, if necessary before detailed mitigation plans are finalized for these sites. Approved mitigation measures, including on-site monitoring of construction activities by an archaeologist, shall be implemented prior to or in conjunction with any land alteration.
6. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, paving, or walks be encountered, work in the immediate area shall cease and the Planning Department 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.
7. All other applicable Federal, State and County Rules, Regulations and Requirements shall be complied with.
8. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the permit. The report shall include the status of the development, the compliance with 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.
9. 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.

Should you have any questions, please feel free to contact Connie Kiriu or Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Wilton K. Wong, Chairman  
Planning Commission

CRK:syw  
L.STATE02.PC

xc: Honorable Stephen K. Yamashiro, Mayor  
Planning Director  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
West Hawaii Office  
Office of State Planning, CZM Program w/background  
Department of Land and Natural Resources,  
Historic Preservation Division  
Plan Approval Section