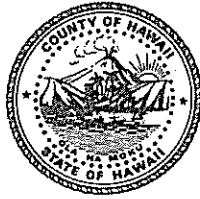


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252

INTERDEPARTMENTAL MAIL (808) 961-8288 • Fax (808) 961-9615

SEP 06 2000

C. Kenneth Sowden, Deputy Director  
County of Hawaii  
Department of Parks & Recreation  
25 Aupuni Street, Suite 210  
Hilo, HI 96720

Dear Mr. Sowden:

Special Management Area Use Permit Application (SMA 00-010)  
Applicant: County of Hawaii, Department of Parks & Recreation  
Request: Improvements to Ahalanui County Park  
Tax Map Key: 1-4-2:5, 6 and 61

The Planning Commission at its duly held public hearing on August 15, 2000, voted to approve the above-referenced application. Special Management Area (SMA) Use Permit No. 407 is hereby issued to allow improvements to the existing Ahalanui County Park, including improvements to a portion of the Kaimu-Kapoho Road, and related improvements. The property is located on the makai side of the Kaimu-Kapoho Road approximately one mile north of the Isaac Hale Beach Park and its intersection with the Pahoia-Pohoiki Road, Puna, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205A, Hawaii Revised Statutes (HRS), and Rule No. 9 relating to 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 areas. Therefore, special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

In 1989-1990, lava flows inundated three County Parks: Harry K. Brown Park, Kalapana Beach Park, and Kaimu Black Sand Beach. Approximately 50 acres of County land were destroyed, including nearly 28 acres of beachfront property with 1.35 miles of shoreline. Those park areas provided recreational activities, scenic, natural beauty, relaxation, and meeting places for many island residents and tourists. The areas were directly accessible by County road and serviced with water and utilities. The loss of the three County Beach Parks has caused a shortage of areas for swimming, surfing, picnicking, shorefishing, and many other ocean-related activities associated with the local

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way of life. It also caused a severe shortage of shoreline park space in Puna and greater pressure on private and undeveloped public shoreline properties resulting in the degradation of shoreline areas that are over-used, with no sanitary facilities or maintenance. Only two developed shoreline parks remained after the lava flow inundation: the 1.79-acre Isaac Hale County Park at Pohoiki, and the 6-acre MacKenzie State Park, located along a cliff overlooking the ocean. Therefore, to alleviate the social and economic problems created by the loss of those parks, the County applied and received funding from the Federal Emergency Management Agency (FEMA) under the Public Assistance program for replacement of the three parks loss to the lava flows. Subsequently, the County of Hawaii acquired the subject properties Tax Map Key: 1-4-2: 5 and 6 in September 1993, and Tax Map Key: 1-4-2: 61 in January 1995 for recreational development.

The proposed development will not have any substantial 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 interests. The applicant proposes improvements to the existing County Ahalanui Park, which includes construction of a parking area, restroom facilities, picnic facilities, trails and walkways, improvements to a portion of the Kaimu-Kapoho Road, and related improvements. The cost of the proposed development is estimated at \$1.5 million, shared by the Federal Emergency Management Agency and the County of Hawaii on a 75/25 match basis. Specifically, the proposed development at Ahalanui Park is as follows:

- On the mauka portion of the property, build a 52-space parking lot, with 4 handicap-accessible spaces, with drywell for drainage.
- Construct restrooms, with composting toilets for human waste and a leach field for graywater.
- Build picnic facilities with shelters, trails and walkways, and a children's playground.
- Upgrade the safety level of the pond through construction of a railing, steps, and lifeguard facilities, and erection of signs.
- Demolish existing cottage structure, preserving the lifeguard facilities on the northeastern end, and replace with open pavilion(s).
- Extend potable water lines from Kaimu-Kapoho Road to the restrooms and pavilion area.

- Maintain and expand lawn for public use.
- Install appropriate safety facilities including telephone and photovoltaic security lighting.
- Improve and widen approximately 2,000 feet of the Kaimu-Kapoho Road from the southern end of the improved segment of the road to the entrance to the park.
- Extend telephone lines from Kaimu-Kapoho Road to the site.

Some of the existing coconut trees are proposed to be replanted in order to locate the proposed improvements. However, other existing vegetation such as the Monkeypod tree, Mango tree, Milo trees, Kamani tree grove, naupaka plantings and other coconut trees will remain.

Currently, vehicle parking is inadequate at the Ahalanui Park. Park users are forced to parallel park their vehicles along the narrow Kaimu-Kapoho Road or use a private unpaved lot across the road. Vehicles parked along the roadway are causing traffic hazards as it creates a one lane traffic. Vehicles parked across the road have been subject to break-ins, and beach users must cross the roadway to get to the park, which is particularly hazardous for children. Therefore, the proposed parking area on-site would benefit the park users and enhance public health and safety. The north end of the parking area is proposed to be located approximately 195 feet to the nearest point of the existing pond, and more than 360 feet from the shoreline.

The portable toilets presently used are inadequate for the park's user volume. According to the applicant, the toilets are thought to have contributed to localized surface water contamination and potential health hazards to park users. The subject properties are located in the Critical Wastewater Disposal Area where cesspools are not allowed because of water pollution concerns. The proposed new restroom facilities and leach field would promote public health and safety by providing adequate and accessible sanitary facilities in the park area, which is widely used by the public during recreational activities. The proposed restroom facilities and leach field will be situated approximately 300 feet from the shoreline and the existing pond.

The Kaimu-Kapoho Road has an approximately 64-foot right-of-way. The applicant proposes to improve and widen approximately 2,000 feet of the roadway from the southernmost part of the fully improved section to the entrance to the park. This roadway segment will be widened to two 12-foot lanes, each with a 4-foot paved shoulder. The impacts of these safety roadway improvements will improve sight

distances, and one lane travel in each direction. If the roadway is not improved, the segment of Kaimu-Kapoho Road proposed for improvement would continue to function below standard, posing a threat to pedestrians and vehicle occupants. The applicant will be required to obtain a permit from the Department of Public Works for work within the County right-of-way.

Due to the present improved nature of the project area and surrounding area, the proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The proposed parking area, restroom facilities, and roadway improvements will be located over 300 feet from the shoreline. It is not anticipated that endangered or threatened species of flora or fauna are located within the project site, nor have the project site been identified as a significant botanical or biological habitat. Further, there would be no adverse impact to recreational and visual resources, access to and along the shoreline, coastal ecosystems nor marine resources. The proposed improvements would enhance the recreational opportunities at the park. The proposed development would not impact the immediate adjacent properties as the subject areas are primarily vacant with scattered dwellings along Kaimu-Kapoho Road. The goals and objectives of the Special Management Area with respect to coastal, recreational, scenic and historical can be met with conditions of approval.

The proposed development is consistent with the objectives and policies, and Special Management Area guidelines as provided by Chapter 205A, HRS. The guidelines were established to provide guidance for the preservation, protection and development of coastal resources of the State and County. They identify several areas of management concerns including recreational, historic, scenic and open space resources, coastal ecosystems, economic use, coastal hazards, beach protection and marine resources.

The proposed new restroom facilities and leach field would promote public health and safety by providing adequate and accessible sanitary facilities for park and recreational users. The proposed restroom facilities and leach field will be situated approximately 300 feet from the shoreline and the existing pond. Further, the proposed parking area on-site would benefit the park users and enhance public health and safety. The north end of the parking area is proposed to be located approximately 195 feet from the nearest point of the existing pond, and more than 360 feet from the shoreline. Thus, the proposed development will not adversely impact any recreational or scenic and open space resources, public access along and to the shoreline, coastal ecosystems and beach erosion. In addition, the area has been previously developed with a single family residence, landscaping, and used for recreational purposes since the 1950s and therefore, there are no known rare or endangered plant life or animal species or habitats within the project area.

An archaeological inventory survey on Tax Map Key 1-4-2:61 was conducted in January 1998. The survey report identified Site #21352 as a prehistoric or historic well, and recommended the preparation of a historic preservation plan to ensure its preservation "as is." As the applicant will be responsible to prepare the historic preservation plan with the commitment to preserve the historic site "as is," the Department of Land and Natural Resources-Historic Preservation Division has determined that the proposed development would have "no effect" on the historic site. A condition of approval is included to address this concern.

Activities associated with the proposed development are not anticipated to have any substantial adverse impacts on coastal ecosystems, marine resources or public access to and along the shoreline. The existing public shoreline access will not be affected by the proposed project. The applicant proposes to improve access to the pond and shoreline by providing improved and designated trails and walkways. Compliance with existing governmental regulations to control runoff, drainage and erosion would mitigate any adverse impact to the area's environment or the ecology of the area's coastal waters. The Department of Health requires that if there is any type of process wastewater discharge from the project into State waters, the applicant may be required to apply for an individual NPDES permit. Although the project will be constructed in an area which is subject to tsunami inundation, high surf or flooding, the proposed park improvements will not intensify coastal hazards at the site. With these precautionary measures in place, the proposed development is not anticipated to have any substantial adverse effects on the coastal resources or environment.

There will be an increase in noise levels and dust during construction activities. However, these temporary, short-term impacts generated during the construction phase can be mitigated by existing construction regulations. Therefore, impacts to the physical environment within the immediate area will be minimal.

No adverse impacts on water quality are expected to be generated by the proposed development. Any potential runoff or discharge generated by the proposed development which could reach ocean waters can be handled by on-site drainage improvements meeting with the approval of the Department of Public Works and/or Department of Health. Potential negative impacts on coastal waters during site preparation and construction can be mitigated through compliance with existing ordinances and regulations. Wastewater will be disposed of within a wastewater treatment system meeting with the approval of the Department of Health. The project would not interfere with any recreational resources or natural shoreline processes, nor impact viewplanes to the coastal area. To further ensure that no substantial adverse impacts to coastal ecosystems are generated, a groundwater and coastal water monitoring plan(s) will be required as a condition of approval.

The project site is located within an area designated as Flood Zone VE. This zone is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard (wave action), and is known for flooding during tsunami and high surf associated with North Pacific and tropical storms. Therefore, all proposed improvements must comply with the construction standards of Chapter 27, Hawaii County Code, relating to flood control.

The proposed development is consistent with the County General Plan and Zoning Code. The proposed project does conform to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which designates this area as Orchards with Open Area along the shoreline. This type of designation refers and includes uses for recreational purposes. The applicant proposes to upgrade the existing Ahalanui Park by providing adequate restroom facilities and parking area, which would promote public health and safety as well as convenience to the people participating in recreational activities in the park area and to the general public as a whole. The applicant also proposes to provide trails and walkways, additional pavilions, and picnic facilities to further enhance public access and recreational opportunities for the park users. The proposed development would complement the following goals and policies of the General Plan:

#### Recreation

- Provide a wide variety of recreational opportunities for the residents and visitors of the County.
- Maintain the natural beauty of recreation areas.
- Provide a diversity of environments for active and passive pursuits.
- The County of Hawaii shall improve existing public facilities for optimum usage.
- Recreational facilities in the County shall reflect the natural, historic, and cultural character of the area.
- The use of land adjoining recreation areas shall be compatible with community values, physical resources and recreation potential.
- Public access to the shoreline shall be provided in accordance with an adopted program of the County of Hawaii.

Public Facilities:

- Encourage the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community.

Natural Resources and Shoreline

- Provide opportunities for the public to fulfill recreational, economic, and educational needs without despoiling or endangering natural resources.
- Protect and promote the prudent use of Hawaii's unique, fragile, and significant environmental and natural resources.
- Protect and effectively manage Hawaii's open space, watersheds, and natural areas.
- Ensure that alterations to existing land forms and vegetation, except crops, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.
- The shoreline shall be protected from the encroachment of man-made improvements and structures.

Environmental Quality

- Maintain and, if feasible, improve the existing environmental quality of the island.
- The County of Hawaii shall take positive action to further maintain the quality of the environment for residents both in the present and in the future.

Public Utilities

- Improvement of existing utility services shall be encouraged to meet the needs of users.

The proposed development would also conform to the Natural Beauty and Open Space requirements of the General Plan. The proposed park improvements is planned to

remain primarily as a natural open space with minimal improvements to support park activities.

Natural Beauty

- Protect, preserve and enhance the quality of areas endowed with natural beauty, including the quality of coastal scenic resources.
- Protect scenic vistas and view planes from becoming obstructed.
- Maximize opportunities for present and future generations to appreciate and enjoy natural and scenic beauty.

Open Space

- Provide and protect open space for the social, environmental, and economic well-being of the County of Hawaii and its residents.
- Protect designated natural areas.
- Open space in the County of Hawaii shall reflect and be in keeping with the goals, policies, and standards set forth in the other elements of the General Plan.

The project site is situated within the State Land Use Conservation District, Resource Subzone, which allows parks and areas for outdoor recreational uses such as fishing, picnicking, camping, and hiking. Uses in the Conservation District are regulated by the State Department of Land and Natural Resources. The applicant must secure a Conservation District Use Permit from the Board of Land and Natural Resources prior to implementing the proposed park improvements.

Based on the above findings, it is determined that the proposed development will not have any 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 the Special Management Area.

Approval of this request is subject to the following conditions. Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the Special Management Area Use Permit.



1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The effective date of the Special Management Area Use Permit shall be the effective date of approval of a Conservation District Use Permit (CDUP) from the State Board of Land and Natural Resources.
3. Consolidation of the three parcels shall be secured from the State Board of Land and Natural Resources and the Planning Department within five (5) years from the effective date of this permit.
4. Construction of the proposed development shall be completed within five (5) years from the effective date of this permit.
5. Any coconut trees removed to accommodate the proposed park improvements shall be replanted at other location within the project area.
6. A solid waste management plan shall be submitted to and approved by the Department of Public Works prior to any park improvements.
7. The restroom facilities and leach field shall be constructed in a manner meeting with the approval of the State Department of Health.
8. A permit for work within the Kaimu-Kapoho Road right-of-way shall be secured from the Department of Public Works prior to any roadway improvements. Construction within the right-of-way shall meet the approval and requirements of the Department of Public Works.
9. All construction shall be subject to the requirements of Chapter 27 – Flood Control, of the Hawaii County Code.
10. All earthwork activity, including grubbing and grading, shall conform to Chapter 10 – Erosion and Sedimentation Control, of the Hawaii County Code.
11. The applicant shall develop an emergency evacuation plan for review and approval by the Hawaii County Civil Defense Agency. The plan shall include posting of the evacuation plan, alternate access routes and other programmatic recommendations for the evacuation of the park users in case of a tsunami or any natural disaster warnings. An approved emergency evacuation plan shall be submitted to the Planning Department prior to any improvements within the subject project area.

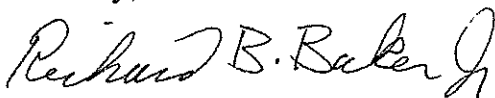
12. A preservation plan for historic Site #21352 on Tax Map Key 1-4-2:61 shall be prepared and submitted for approval to the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) prior to any land alteration activity on the subject parcel. An approved preservation plan shall be submitted to the Planning Department prior to approval for any grubbing or grading permit for the subject parcel.
13. The applicant shall comply with Condition Nos. 1 through 4 as stated in the County Department of Parks and Recreation letter dated August 15, 2000, attached hereto.
14. Should any remains of unidentified historic sites such as rock walls, terraces, platforms, or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigative measures have been taken.
15. Comply with all applicable laws, rules, regulations, and requirements of affected agencies, including the Department of Water Supply, State Department of Health, Board of Land and Natural Resources, for the proposed development.
16. An initial 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, Zoning Code or the Special Management Area guidelines.
  - C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
  - 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).

C. Kenneth Sowden, Deputy Director  
County of Hawaii  
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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 contact Alice Kawaha or Phyllis Fujimoto of the Planning Department at 961-8288.

Sincerely,



Richard B. Baker, Jr., Chairman  
Planning Commission

LcountyP&Rsm01PC

Enclosure

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Office of Planning, CZM Program (w/Background)  
Department of Land and Natural Resources  
Kazu Hayashida, Director/DOT-Highways, Honolulu  
Mr. Norman Hayashi  
Mr. Jeffrey Darrow  
Plan Approval Section  
Civil Defense  
Department of Health