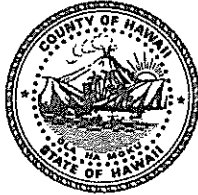


Stephen K. Yamashiro  
Mayor



## County of Hawaii

### PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
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NOV 16 2000

Ms. Julie Tulang, Director  
Department of Parks & Recreation  
25 Aupuni Street, Room 210  
Hilo, HI 96720

Dear Ms. Tulang:

Special Management Area Use Permit Application (SMA 00-013)  
Applicant: County of Hawaii Department of Parks & Recreation  
Request: Isaac Hale County Park Expansion and Improvements  
Tax Map Key: 1-3-8:14, 16, 21 and 33

The Planning Commission at its duly held public hearing on October 20, 2000, voted to approve the above-referenced application. Special Management Area (SMA) Use Permit No. 410 is hereby issued to allow the expansion and improvements to the existing Isaac Hale County Park, including improvements to portions of the Kaimu-Kapoho Road and Pahoia-Pohoiki Road, and other related improvements. The properties are located at the existing Isaac Hale County Park and at the intersection (northern corner) of the Kaimu-Kapoho Road and Pahoia-Pohoiki Road, Pohoiki, 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 roads 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 Isaac Hale Beach Park at Pohoiki and 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.

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 existing 2.131-acre Isaac Hale Beach Park provides passive recreation space for picnicking, surfer and beachgoer parking, and is adjacent to the access for the Pohoiki Boat Ramp, which is operated by the State of Hawaii. Isaac Hale Beach Park has been crowded with visitors daily since the loss of the three county beach parks. The area is important to both surfers and fisherman. Although swimming is prohibited at this park because of the proximity to the state boat ramp, many park users swim and access surfing areas from the park. Swimmers are at risk to injury from fishing boats, and several boats have capsized in the small harbor trying to avoid swimmers. In addition, the portable toilets do not meet the demand for current use, potentially creating health problems. One pavilion, a shower, and three portable toilets are currently the only facilities in the park, and the parking is inadequate. The applicant proposes improvements and expansion to the existing Isaac Hale Beach Park, in three phases:

Phase I:

- Large pavilion, with a restroom
- Pavilion parking area, with 51 stalls (2 handicapped)
- Picnic shelters
- Keiki playground
- Paved parking lot near existing boat parking with 19 stalls (1 handicapped)
- Boat parking lot (fenced), with boat wash facilities and wastewater treatment and security lighting
- Removal of portion of bulldozer push-pile and limited tree pruning and hand removal of vegetation to open up coastal views
- Photovoltaic power system (propane generator back-up) for lights, wastewater treatment
- Bypass road through park to route traffic away from shoreline within park boundaries; designed to connect to existing coastal road to serve as a future park

access road if and when full bypass road around adjacent properties and wetlands is completed and current coastal road is abandoned

- Landscaping and lawn areas
- Repair of existing pavilion and installation of picnic tables in existing park section

Phase II:

- Paved parking area at northeast end of park, with 42 stalls (2 handicapped); closure of portion of existing coastal road
- Two volleyball courts; two horseshoe pits
- Walking and bicycle paths
- Two additional outdoor shower facilities
- Additional picnic shelters

Phase III:

- Two tennis courts
- Basketball court
- Boat parking expansion area

The proposed improvements will be located in and around the park site, including parcel 16 (abandoned papaya orchard), parcel 33 (right-of-way for Kaimu-Kapoho Road) and parcel 21 (parking area). Parcels 16 and 33, the expansion area, are located across the beach park and will be developed into the new Pohoiki Park.

The expansion and development of recreational uses within the existing Isaac Hale Beach Park will be funded solely by the County of Hawaii, and activities in the 22-acre Pohoiki Park will be funded jointly by FEMA and the County of Hawaii on a 75/25 basis.

The proposed parking area will alleviate the congestion caused by users of the park and boat ramp. To reduce traffic congestion at Pohoiki and improve traffic flow, the following road improvements are proposed:

- A bypass road would be constructed to take the place of the coastal road, avoiding future subsidence problems for roads within the park, and limiting traffic through the park to park users. The proposed road would also promote more efficient and safer traffic flow among Kapoho, Pahoia, and Opihikao. If a more extensive mauka bypass road is eventually built, the bypass road within the park would service only park users, abandoning the current coastal road through the wetlands.

- A segment of the coastal road would be closed and converted to park space, including landscaping, parking and bike and walking trails, which would connect to both ends of the park.
- Overflow parking areas designated for surf meets, peak fishing season, etc., will be located within a portion of the grass playfields.

Consultation with the Department of Public Works has been ongoing and would be concluded before finalizing and implementing any traffic improvements.

Due to the improved nature of the project site and surrounding area, the proposed development is not anticipated to have any substantial adverse environmental or ecological effects. It is not anticipated that endangered or threatened species of flora or fauna are located within the project site, nor have the project sites 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 or marine resources. The proposed improvements would enhance the recreational opportunities at the park and 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 would promote public health and safety by providing adequate and accessible sanitary facilities for park and recreational users. The proposed parking area on-site would also benefit park users and enhance public health and safety. 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, as the area has previously been used for recreational purposes, there are no known rare or endangered plant life or animal species or habitats within the project area.

According to the State Historic Preservation Office (SHPO), the two parcels that would comprise the proposed park (parcels 16 and 33) do not appear to have important

archaeological sites. SHPO has also determined that there are no known cultural resources at the park.

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 improvements will relocate parking, restrooms, and active recreational areas away from the shoreline. The applicant proposes to improve access to the park with the construction of a new bypass road. 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 may require the applicant to apply for an individual NPDES permit should there be any type of process wastewater discharge from the project into State waters. 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. No public view planes of the expansion area will be affected. The new section of the park will mostly not be visible from any existing roads. The proposed bypass roads will provide a view of park facilities, and at the higher elevation, will provide new views of the ocean where existing trees are sufficiently low.

Isaac Hale Beach Park is located entirely within Zone VE, and the proposed action would also site parking lots, showers, and picnic shelters/tables within Zone VE. The restroom, pavilion, and generator shed are located outside the floodplain. The showers and picnic shelters are considered regulated structures under the National Flood

Insurance Program, and will be designed to allow passage of water. The septic system, which is located within the AE zone, would be designed to withstand hydrostatic flood forces from the 100-year flood. Flood Zone VE is a 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. Flood Zone AE is the Special Flood Hazard Area inundated by the 100-year flood where base flood elevations are determined. All proposed improvements will be subject to the requirements 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 conforms to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which designates this area as Orchards with Open along the shoreline. This type of designation includes uses for recreational purposes. 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.

#### 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.

Parcels 14 (boat ramp) and 21 (parking area) are located 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. Parcels 16 (abandoned papaya orchard) and 33 (right-of-way) are located in the State Land Use Agricultural District.

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. Construction of the proposed development shall be completed within five (5) years from the effective date of this permit.
3. A solid waste management plan shall be submitted to and approved by the Department of Public Works prior to any park improvements.
4. The restroom facilities and leach field shall be constructed in a manner meeting with the approval of the State Department of Health.



5. A permit for work within the County 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.
6. All construction shall be subject to the requirements of Chapter 27 - Flood Control, of the Hawaii County Code.
7. All earthwork activity, including grubbing and grading, shall conform to Chapter 10 - Erosion and Sedimentation Control, of the Hawaii County Code.
8. 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 area.
9. A preservation plan 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. An approved preservation plan shall be submitted to the Planning Department prior to approval for any grubbing or grading permit for the properties.
10. 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 mitigation measures have been taken.
11. Comply with all applicable laws, rules, regulations, and requirements of affected agencies, including the Department of Public Works, Department of Water Supply, Civil Defense Agency, State Department of Health and Department of Land and Natural Resources for the proposed development.
12. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:

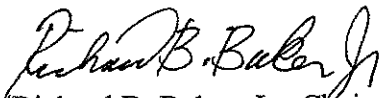
Ms. Julie Tulang, Director  
Department of Parks & Recreation  
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- A. The non-performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors or assigns, and that are not the result of 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).

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 Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Richard B. Baker, Jr., Chairman  
Planning Commission

LcountyP&R01PC

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  
Department of Health  
Civil Defense Agency  
Plan Approval Section