

County of Hawai'i

PLANNING COMMISSION

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MAY 05 2003

Mr. Gregg Kashiwa
Project Planners Hawaii
5375 Kalaniana'ole Highway
Honolulu, HI 96821

Dear Mr. Kashiwa:

Special Management Area (SMA) Use Permit Application

Applicant: Gamrex, Inc.

Subject: To construct a flood control project for Horse Shoe Bend
& Holualoa Streams on the subject parcels

Tax Map Key: 7-6-024:025 & 077

The Planning Commission at its duly held public hearing on April 4, 2003, voted to approve the above-referenced application. Special Management Area (SMA) Use Permit No. 430 is hereby issued to Continued hearing on the application for a Special Management Area Use Permit to allow the construction of a portion of the Horse Shoe Bend and Hōlualoa Streams Flood Control Project at Hōlualoa, North Kona, Hawai'i.

Approval of this request is based on the following:

The purpose of Chapter 205A, Hawaii Revised Statutes (HRS), and 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.

The proposed flood control project 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 applicant is proposing to construct portions of the Horse Shoe Bend and Holualoa Streams Flood Control Project and related improvements to comply with the requirements of Ordinance

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No. 84-23 approved on May 15, 1984. The Holualoa and Horse Shoe Bend stream systems are among several floodplains that periodically inundate portions of North Kona. These systems run only during times of heavy rainfall on the upper slopes of Mt. Hualalai. The proposed flood control improvements consist of a single concrete lined channel with vertical side walls, a bottom width of sixteen (16) feet with an average depth of eleven (11) feet, and chain link fencing on both sides of the channel. The proposed channel is approximately 500 feet long and designed to contain water volumes of 3,500 cubic feet per second, which represents the combined 100-year flood confluence of both systems. With the exception of the fencing, all improvements will be constructed below existing grade and extend from Kuakini Highway to the culvert located under Kupuna Street in the Kalani Makai subdivision.

The proposed channel will run down gradient along the south property boundary of Gamrex-owned lands and through a drainage easement on Parcel 77. The channel will end at the culvert located under Kupuna Street in the Kalani Makai subdivision. This roadway and culvert are located within TMK: 7-6-24: 78 owned by the County. The primary objective of the project is to construct a portion of the flood control system beginning at the mauka reaches of urban development (the old railroad right-of-way) and extending down gradient to existing flood channels located in the Kalani Makai subdivision.

The makai portion of the project site is located approximately 2,600 feet from the shoreline. The project site is located makai of the Kuakini Highway to Kupuna Street within the Kalani Makai Subdivision. Parcel 25, approximately 12 acres in size, is undeveloped. Parcel 77, approximately 1.13 acres in size, is improved with a single family dwelling which lies outside of the flood plain on the north side of the lot. The surrounding areas abutting the subject property are established residential neighborhoods. The proposed flood control channel is situated north of the Kilohana and Komohana Kai subdivisions. Alii Kai subdivision lies makai of the Kalani Makai subdivision located west of the subject properties.

The proposed development will not have an adverse impact to coastal recreational or visual resources to the shoreline and coastal ecosystems. The makai portion of the project site is located approximately 2,600 feet inland from the coastline, and is not directly tied with the recreational resources of the coastal areas. The proposed development will not reduce the size of the coastline or other areas used for public recreational uses. Thus, there will be no disruption of existing public access to the shoreline. Flood waters presently negatively impact coastal ecosystems and marine shoreline habitats. The proposed project will greatly reduce erosion within its hardened channels and thereby reduce the amount of silt and debris deposited into the ocean.

The proposed project has no impact on recreational resources. However, upon completion of the project, lands once occupied by the floodplains may become available for potential recreational use. The project will not adversely affect views to and along the shoreline, as the only above-ground portion of the proposed drainage improvements will be a continuous 6-foot high chain link fence along both sides of the channels. Therefore, the proposed flood control improvements will not negatively impact the scenic and open space resources of the area.

The proposed project will not create significant adverse impacts upon immediately adjacent properties. Instead, the project will reduce flood risks, eliminate flood insurance requirements, and promote public safety. The project area is bounded by Kulani Highway to the east (mauka) and Kilohana and Komohana Kai subdivisions to the north. Alii Kai subdivision lies makai of the Kalani Makai subdivision located west of the subject properties. The subdivisions are all single family residential developments zoned Residential (RS-10). Across Kuakini Highway to the east are properties zoned Agricultural (A-1a). Also located nearby on Kuakini Highway is the Kona Outdoor Circle Facility.

The proposed project is consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. Any potential runoff or discharge that could reach ocean waters can be handled by on-site improvements consistent with the requirements of the Department of Public Works. Any impacts from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing regulations and proper construction practices. Air emissions generated during the construction phase for the proposed project can be mitigated by existing construction regulations. With these precautionary measures in place, the proposed development is not anticipated to have any substantial adverse effects upon nearby coastal resources or the surrounding environment.

There are no endangered flora or fauna in the drainageway. The proposed project also poses no known threat to any archaeological features or historic sites. A complete archaeological survey was conducted on the property by Cultural Surveys Hawaii in 1981 and archaeological clearance has been granted by the State Historic Preservation office. Should any Hawaiian burials or artifacts be discovered during construction, proper procedures will be followed.

The proposed development is consistent with the County General Plan and Zoning Code. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation for this area is Low Density Urban, which includes areas that are single family residential in character, ancillary community and public uses, and convenience

type commercial uses. The properties are zoned Single Family Residential (RS-10) and surrounding properties are zoned RS-10 to the north, west and south. Lands east (mauka) of the properties are zoned Agricultural (A-1a).

This proposed project will complement the goals, policies and standards of the Flood Control and Drainage Element of the General Plan as well as the Course of Action for North Kona.

The FIRM identifies the project area as Zone AE, special flood hazard areas inundated by 100-year flood, base flood elevations determined. As flash floods from the overflows of the Holualoa/Horseshoe Bend drainageway have been identified by the United States Department of Agriculture Soil and Conservation Service's "North Kona Flood Plain Management Study", the proposed flood control improvements will help to alleviate food and drainage problems in the area. While the proposed development will not have a direct impact upon coastal recreational resources, review of developments within the Special Management Area must also consider the cumulative impacts of such developments upon these resources. The project site is located outside of the tsunami inundation area and will be minimally impacted by storm wave and tsunami hazards. The development would comply with the requirements of Chapter 27, Flood Control, of the Hawaii County Code. A Conditional Letter of Map Revision for the proposed project area has been issued by FEMA. When the flood control project is completed, the FIRM will be revised. The flood plains presently depicted on the FIRM will be reduced into the confines of the flood channels. It will eliminate the need for flood insurance to over 150 homeowners in surrounding subdivisions. The proposed flood control improvements will connect to and utilize existing culverts under Queen Kaahumanu and Kuakini Highways. No construction and/or road closures or either roadway are planned. Construction related traffic on both Kupuna Street and Royal Poinciana Drive within the Kalani Makai Subdivision does not require road closure. Kupuna Street and Royal Poinciana Drive will serve as access to the subject site. Royal Poinciana Drive Extension (mauka of Kupuna Street) is a 60-foot wide right-of-way with a 36-foot wide pavement, but reduces to a 50-foot right-of-way with a 32-foot pavement after Kupuna Street. Kupuna Street is a 60-foot wide right-of-way with 36-foot wide pavement with concrete curb, gutter and sidewalk.

Based on the above findings, it is determined that the proposed development and related improvements 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 shall initiate procedures to revoke the 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 date of this permit..
3. The Kuakini Makai Association, Inc. shall be notified in writing thirty (30) days prior to the commencement of construction. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawaii.
4. Construction work will be permitted from Monday through Fridays from 7:30 a.m. to 4:30 p.m. only, excluding holidays.
5. No construction access will be permitted via Mikilana Street.
6. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations 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.
7. 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 compliance with the conditions of approval. This condition shall remain in effect until all of the conditions of approval have been satisfied and the Planning Director acknowledges that further reports are not required.
8. Comply with all applicable laws, rules, regulations and requirements of other affected agencies, including the Department of Public Works.
9. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances:


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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 original reasons for the granting of the permit.
- C. 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 do not hesitate to contact Norman Hayashi or Phyllis Fujimoto of this department at 327-3510.

Sincerely,

 ISI VICECHAIRMAN
FOR FRED GALDONES.

FRED GALDONES
Planning Commission

cc: Gamrex, Inc.

Mr. Martin Ohan
Kona Planning Dept.
Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
Office of Planning, CZM Program (w/Background)
Department of Land and Natural Resources - Honolulu
Department of Land and Natural Resources, Historic Preservation Office - Kona
Kazu Hayashida, Director/DOT-Highways, Honolulu
Plan Approval Section