



## County of Hawai'i

### WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

APR 18 2016

Mr. Clayton Honma, Director  
County of Hawai'i  
Parks & Recreation  
101 Pauahi Street, Suite 6  
Hilo, HI 96720

Dear Mr. Honma:

**SUBJECT: Special Management Area Use Permit (SMA 16-000064)**  
**Applicant: County of Hawai'i, Department of Parks & Recreation**  
**Approved Use: Construction of a Multi-Use Football/Soccer/Rugby**  
**Field with Necessary Facilities and Related Amenities**  
**Tax Map Key: 2-2-032:003, 004, 008, 019, 087, & 088**

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The Windward Planning Commission, at its duly held public hearing on April 7, 2016, voted to approve the above-referenced request to allow the development of a new multi-use sports field complex inclusive of a football/soccer/rugby field with goals, bleachers, dugouts, fencing and related amenities on 9.053 acres of land. The project site is situated between Kuawa Street and Kamehameha Avenue, and bordered to the west by Manono Street, Waiākea House Lots, South Hilo, Hawai'i.

Approval of this permit is subject to the following conditions:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. An application for consolidation of the six parcels into a single parcel encompassing the entire proposed development shall be submitted within six months of the completed Executive Order transferring the properties to the County.
3. Prior to commencing construction on the first phase of development, Final Plan Approval for the proposed development, as represented in the plans submitted with the application, shall be secured from the Planning Department. Plans shall

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identify existing and proposed structures, paved driveway access, parking stalls and landscaping in compliance with the Zoning Code and Planning Department Rule No. 17 (Landscaping Rule).

4. Management of the contaminated soils shall be done in coordination with the Department of Health (DOH). Any contaminated soil in excess of the DOH unrestricted use Environmental Action Levels, or any other project generated solid waste, shall be disposed of at a DOH-permitted solid waste management facility.
5. Interim protection measures for the historic flag-pole shall be in place prior to any grubbing or grading activities on the properties. The interim protection measure shall consist of construction fencing surrounding the structure placed not less than 10-feet from the outer edges of the structure.
6. Any restoration of the historic flag pole shall be in compliance with the Secretary of the Interior's Standards such that the historic integrity of the structure is maintained.
7. Plans for the development of a cultural interpretive site on the property shall be reviewed by the Hawai'i County Cultural Resources Commission prior to implementation.
8. Future phases of the Kuawa Street New Sports Fields Development, which are proposed to include field lighting, covers for the bleachers, a concessions facility, a comfort station, a storage facility, an onsite network of walkways for bi-directional walking/jogging, full perimeter fencing, and a children's playground will require a determination of consistency with this SMA permit from the Planning Director and receive Final Plan Approval prior to their construction.
9. Any proposed lighting shall conform to Hawai'i County Code, Chapter 14, Article 9, relating to Outdoor Lighting. Additionally, lighting shall be limited to 85-feet in height as recommended by the Department of Transportation, Airports Division, unless there is concurrence from the Airports Division amending this height-limit recommendation. Copies of federal approval of the lighting as provided for by Federal Aviation Administration Form 7460-1 "Notice of Proposed Construction or Alteration" shall be submitted with any application for Plan Approval for installation of lighting.

10. 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 Hawai'i.
11. Mitigation commitments identified in the Final Environmental Assessment for the Kuawa Street New Sports Fields Development, dated December 2015, shall be adhered to.
12. 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.
13. Comply with all applicable laws, rules, regulations, and requirements of affected agencies, including the Department of Public Works, the Department of Health and the State Department of Transportation for the proposed project.
14. Construction of all phases of the proposed sports field development shall be substantially completed within 10 years from the effective date of this permit.
15. An initial extension of time for the performance of conditions within this 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 this permit.

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- 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).
- E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.

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

Approval of this permit is based on the reasons given in the attached Findings Report.

Should you have any questions, please contact Lucas Mead of the Planning Department at 961-8140.

Sincerely,

  
Charles Heaulani, Chairman  
Windward Planning Commission

LP&RkuawaSMA16-064wpc  
Enclosure: PC Findings Report

cc: Ron Terry, Geometrician Associates  
Department of Public Works  
Department of Water Supply  
County Real Property Tax Division - Hilo  
Department of Land & Natural Resources - HPD  
State Department of Transportation  
State Department of Health  
GIS Section

**COUNTY OF HAWAI'I**  
**PLANNING COMMISSION FINDINGS**

**COUNTY OF HAWAI'I, DEPARTMENT OF PARKS AND RECREATION**  
**SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION (SMA 16-000064)**

The applicant, the County of Hawai'i, Department of Parks and Recreation, has submitted an application for a Special Management Area (SMA) Use Permit to allow for the development of vacant lands into a new sports fields complex, which includes the removal of existing vegetation and rubbish, capping of contaminated soils, grading and utility infrastructure installation, and installation of new turf grass and landscaping. Support structures are to include movable goals and goal posts, as well as accessible bleachers on a concrete slab, drinking fountains, fencing, accessible dugouts and bleachers, a backstop and related amenities. Future phases of development may include field lighting, covering for the bleachers, a concessions facility, a comfort station, a storage facility, bi-directional walking/jogging path, a children's playground, and full perimeter fencing. The land area for the improvements total 9.053 acres, which are within the Special Management Area.

When reviewing proposed developments within the Special Management Area (SMA), the Planning Commission should follow the below listed guidelines as established within HRS 205A-26 (Special Management Area guidelines):

- 1) All development in the Special Management Area shall be subject to reasonable terms and conditions set by the authority in order to ensure:
  - (A) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles;
  - (B) Adequate and properly located public recreation areas and wildlife preserves are reserved;
  - (C) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources; and
  - (D) Alterations to existing land forms and vegetation, except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, wind damage, storm surge, landslides, erosion, siltation, or failure in the event of earthquake.
- (2) No development shall be approved unless the authority has first found:
  - (A) That the 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. Such adverse effects 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 the elimination of planning options;

- (B) That the development is consistent with the objectives, policies, and Special Management Area guidelines of this chapter and any guidelines enacted by the legislature; and
- (C) That the development is consistent with the county general plan and zoning. Such a finding of consistency does not preclude concurrent processing where a general plan or zoning amendment may also be required.

**In review of the SMA guidelines as listed under HRS 205A-26(1) (A through D) above, the proposed sports fields development will have terms and conditions issued by the Planning Commission as part of this SMA approval to provide adequate access, to provide for public recreation and preserves, to make provisions for waste treatment, and to develop structures that cause minimum adverse effects to water resources, and scenic and recreational amenities.**

In review of the application for the proposed sports fields development the project, as proposed, will adequately provide access for public recreation, will make provisions for waste treatment, and will develop structures that cause minimum adverse effects to water resources, and scenic and recreational amenities.

**In review of the SMA guidelines as listed under HRS 205A-26(2) (A) above, the proposed sports fields 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.** In considering the significance of potential environmental effects, the Director shall consider the sum of those effects that adversely affect the quality of the environment and shall evaluate the overall and cumulative effects of the action. 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.

A "substantial adverse effect" is determined by the specific circumstances of the proposed use, activity or operation. In determining whether a proposal may have a substantial adverse effect on the environment, the Director shall consider every phase of a proposed action and expected consequences, either primary or secondary, or the cumulative as well as short or long-term effect of the proposal. The project has been reviewed against the factors that may constitute a substantial adverse effect as listed under Planning Commission Rule 9-10 (H) (1 through 10)

- (1) involves an irrevocable commitment to loss or destruction of any natural or cultural resource, including but not limited to, historic sites and view planes outlined in the General Plan or other adopted plans;
- (2) curtails the range of beneficial uses of the environment;
- (3) conflicts with the long-term environmental policies or goals of the General Plan or the State Plan;
- (4) substantially affects the economic or social welfare and activities of the community, County or State;
- (5) involves substantial secondary impacts, such as population changes and effects on public facilities;
- (6) in itself has no substantial adverse effect but cumulatively has considerable adverse effect upon the environment or involves a commitment for larger actions;

- (7) substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat;
- (8) detrimentally affects air or water quality or ambient noise levels;
- (9) affects an environmentally sensitive area, such as flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water or coastal water; or
- (10) is contrary to the objectives and policies of the Coastal Zone Management Program and the Special Management Area Guidelines of Chapter 205A, HRS.

In this review, it has been determined that the proposed sports fields development on the subject properties will not have a significant adverse environmental or ecological effect upon the Special Management Area as the applicant is proposing to: 1) preserve built historic sites and provide interpretive signage concerning historic use of the property throughout the development, 2) reserve space for the development of a cultural interpretive center on a portion of the property, 3) restrict grubbing activities such that they do not interfere with bat pupping seasons or hawk nesting, 4) work with the Department of Health to appropriately handle contaminated soils, 5) work with the Department of Health to mitigate noise and fugitive dust emissions, 6) send on-site generated wastewaters to appropriate treatment facility, and 7) coordinate future phases of the development to be consistent with the goals and policies of the SMA. The applicant has conducted an Environmental Assessment for the project, which resulted in a Finding of No Significant Impact (FONSI). Adherence to the mitigation commitments identified in the Final Environmental Assessment will be a condition of approval for this SMA Use Permit. By following these actions, any significant adverse environmental or ecological effect will be minimized.

It should be noted that under Planning Commission Rule 9-10 (H) (9), a proposed use, activity or operation may constitute a substantial adverse effect if it affects an environmentally sensitive area, such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water or coastal water. Although portions of the westernmost properties are located within Flood Zone AE, the proposed improvements will be required to meet local flood control standards for construction within this flood zone. As such, the proposed development will not create a substantial adverse effect on these environmentally sensitive areas.

**In review of the SMA guidelines as listed under HRS 205A-26(2) (B) above, the proposed development 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.**

The purpose of Chapter 205A, Hawai'i Revised Statutes (HRS) and Special Management Area Rules and Regulations of the County of Hawai'i, 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 park improvements are consistent with the objectives and policies of the Coastal Zone Management Program (Chapter 205A, Hawai'i Revised Statutes), specifically:

Recreational Resources:

- Objective: To provide coastal recreational opportunities accessible to the public.
- Policies: (B) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:

- (iii) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation.

The proposed parks development, while not necessarily coastal, will provide needed and diverse recreational opportunities to the public within the coastal zone management area. The lands are currently vegetated but vacant, and have been subject to a history of mixed uses that have left the lands in marginal condition. The proposed development will result in better management and stewardship of these lands, while providing a new area for public recreation.

Historic Resources:

**Objective:** To protect, preserve, and, where desirable, restore those natural and manmade historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

**Policies:**

- (A) Identify and analyze significant archaeological resources;
- (B) Maximize information retention through preservations of remains and artifacts or salvage operations;
- (C) Support state goals for protection, restoration, interpretation, and display of historic resources.

The proposed parks development has made plans to incorporate its history of land use into its design. The archaeological inventory survey identified the 1926 Hawai'i Consolidated Railway flagpole base as a significant historic property worthy of preservation. Plans for this structure are to protect in place until it can be restored and reused as part of the park complex. Additionally, the Department of Parks and Recreation will support interpretive signage within the development to interpret the Native Hawaiian kuleana use of the area, the development and use of the Waiākea Rail Yard, and the land use history associated with the Waiākea town and the Japanese Daijingu Shrine. Finally, plans are being made in coordination with the lineal descendants of the former kuleana parcel on the site to develop a cultural interpretive center on a portion of the property. The cultural site would include displaced pōhaku from Kuka'ananu'u Heiau, which was dismantled as a result of prior developments in the area. These proposed actions would support information retention through preservation and reuse, as well as provide for the protection, restoration, interpretation and display of historic resources.

**In review of the SMA guidelines as listed under HRS 205A-26(2) (C) above, the proposed development is consistent with the County General Plan and the Zoning Code.** The proposed project conforms to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which designates this area as Open Area. This type of designation includes areas for open space recreational uses. The proposed project also supports the Recreation, Historic Sites, Natural Beauty and Natural Resources goals and policies of the General Plan.

The proposed project is consistent with the Zoning Code; the zoning for the property is designated as Open, which identifies public parks as a permitted use.

Lastly, the Hilo Community Development Plan, known as the Hilo Plan, was adopted by the Hawai'i County Planning Commission on May 21, 1975. The Hilo Plan was to provide a framework for development action of Hilo until approximately 1985. Though it has not been updated, the subject sports fields development appears consistent with the plan.

**The proposed development will not have a significant adverse impact to traditional and customary Hawaiian rights:** In view of the Hawai'i State Supreme Court's "PASH" and "*Ka Pa'akai O Ka'Āina*" decisions, the issue relative to Native Hawaiian rights, such as



gathering and fishing rights, must be addressed. These rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site:

Investigation of valued resources: The applicant included a Final Environmental Assessment (FEA) along with this Special Management Area Use Permit application that included a survey of the floral and faunal resources on the properties. The FEA also included a copy of the draft "Archaeological Inventory Survey and Limited Cultural Assessment of the Proposed county of Hawai'i Sports Complex along Kuawa Street", which was submitted to the State Historic Preservation Division for review.

The valuable cultural, historical, and natural resources found in the permit area: The flora survey identified two native and several alien flora on the properties; the native flora are not rare elsewhere. Archaeological sites consist of two asphalt roadway remnants (SIHP Site No. 30288 and 30289) and a concrete foundation that once supported a flagpole associated with the former Hawai'i Consolidated Railway (SIHP Site No. 30290). The cultural consultation indicates that there is still active interest in the former Native Hawaiian kuleana use of the area. The project site is also associated with the history of Waiākea Town and its association with Japanese immigrant culture, particularly the history of the Japanese Daijingu Shrine.

Possible adverse effect or impairment of valued resources: The proposed parks development, which will involve grubbing, fill, and construction of field facilities, supporting infrastructure and accessory structures, should not adversely affect or impair valued resources on the properties with the implementation of mitigation measures. Mitigation measures include the interim protection of SIHP Site No. 30290 during construction, and the completion of an SHPD-approved preservation plan. Additional mitigation includes the installation of interpretive signage for various locations within the development to interpret: a) the Native Hawaiian kuleana use of the area, b) the development and use of the Waiākea Rail Yard, c) the land use history associated with the Japanese Daijingu Shrine, and d) the history of Waiākea Town. A southwestern portion of the project site, in the vicinity of the former Napeahi kuleana parcel, is proposed to be set aside for a future interpretive cultural display thorough partnership with descendants of the former kuleana.

Feasible actions to protect native Hawaiian rights: The applicant is committed to working with the familial descendants of the former kuleana parcel to develop an area that can be used for restoration of cultural artefacts and establish a place for cultural practice.

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.

Based on the above findings, the request for a Special Management Area Use Permit to allow the development of vacant lands into a new sports fields complex on approximately 9 acres of land within the Special Management Area is approved.