

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 38-12

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on April 7, 1988, an assessment on the application of Dept. of Parks & Recreation for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: The renovation and expansion to the main pavilion at Harry K. Brown Park, Kalapana, Puna, Hawaii, TMK: 1-2-03:6.

As indicated on the attached report, the Director finds that the proposed development is:

- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:

See attached Conditions

Harold Hayman

Chief Engineer, DPW

AD. D.

Planning Director

Attachment

6257A-5/84

PT = 1 day

Val = 715,000

SMA Minor 88-12: Department of Parks & Recreation
Conditions

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Secure a Conservation District Use Application (CDUA) from the Board of Land and Natural Resources.
3. Secure Final Plan Approval within one year from the effective date of approval of the SMA Minor Use Permit.
4. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
5. Comply with all other applicable laws, rules, regulations, and requirements.
6. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) 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 may initiate procedures to nullify the permit.

BACKGROUND

2210Q 4/8/88

The Department of Parks and Recreation is requesting a Special Management Area (SMA) Use Permit to allow the renovation and expansion to the main pavilion at Harry K. Brown Park, Kalapana, Puna, Hawaii, Tax Map Key 1-2-03:6.

Specifically, the applicant proposes the conversion of the existing restroom areas of the main pavilion to lifeguard and parks maintenance storage areas. In addition, the applicant proposes a 12-foot by 42-foot addition to the pavilion.

The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area Open. The State Land Use District classification is Conservation. Therefore, prior to construction, a Conservation District Use Application (CDUA) must be secured from the State Board of Land and Natural Resources (BLNR). The County zoning is Open.

Since the project is County funded and utilizes County/State property, compliance with Chapter 343, Hawaii Revised Statutes, relating to Environmental Impact Statement is required. As such, the Department of Parks and Recreation has submitted an "Exempt Class of Action," pursuant to Section 1:33(a)(3, 7), Environmental Impact Statement Regulations.

Surrounding land uses include park area, residential use, and vacant lands.

According to the Flood Insurance Rate Map (FIRM), prepared by the U.S. Army Corps of Engineers, the area is situated within the coastal high hazard area.

Since the project site has been extensively improved as part of the Harry K. Brown Beach Park, there are no rare or endangered plant or animal species present on the subject property. Also, no historic or archaeological sites have been identified in the area.

The total valuation of the proposed improvements will be approximately \$15,000.

RECOMMENDATION

An SMA Minor Use Permit is issued based on the following findings:

1. The total valuation of the proposal will not exceed \$65,000; and
2. The proposal will not result in a significant adverse effect on the Special Management Area.

The proposed project is consistent with the Special Management Area objectives, policies, and guidelines. These were established to provide guidance for the preservation, protection and development of the coastal resources of the State and County. The guidelines identify several areas of management concerns including recreational, historic, and scenic and open space resources, coastal ecosystems, economic uses, and coastal hazards.

Based on the foregoing, it is determined that the granting of the request will not create a significant adverse effect on the environment and, therefore, will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management; Rule 9 of the Planning Commission relating to the Special Management Area; the Hawaii County Zoning Code; or the General Plan.

A Special Management Area Minor Use Permit is approved subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Secure a Conservation District Use Application (CDUA) from the Board of Land and Natural Resources.
3. Secure Final Plan Approval within one year from the effective date of approval of the SMA Minor Use Permit.
4. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
5. Comply with all other applicable laws, rules, regulations, and requirements.
6. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) 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 may initiate procedures to nullify the permit.