

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 88-20

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on October 13, 1988, an assessment on the application of KAHALII TROPICAL BOTANICAL GARDEN 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: Construct a pair of small restrooms & a cesspool on the gardens premises makai of the former government main road (scenic route) on approx. 17.724 acs. of land in the ahupua'a of Kahalii, Alakahai & Mokuoniki, South Hilo, TRK: 2-7-09:2, 10.

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


Chief Engineer, DPW


Planning Director

Attachment

6257A-5/84

SMA Minor Permit No. 88-20
HAWAII TROPICAL BOTANICAL GARDEN
Conditions

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall comply with the requirements of the Board of Land and Natural Resources.
3. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.
4. The applicant shall complete the construction within one year.
5. Public access to and along the shoreline shall not be impeded by the applicant, its heirs or assignees.
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

2373Q 10/12/88

Mr. Dan J. Lütkenhouse, President and Director of Hawaii Tropical Botanical Garden, is requesting a Special Management Area (SMA) Use Permit to construct a pair of small restrooms and a cesspool on the gardens premises makai of the former government main road (scenic route) on approximately 17.724 acres of land in the ahupua'a of Kahalii, Alakahi and Mokuoniki, South Hilo, TMK: 2-7-09:2, 10.

More specifically the applicant proposes to construct two (2) restrooms, each upon a 7 x 14 foot concrete slab. These will be supplied by a water line which connects to a small impoundment along the adjacent, perennial Onomea Stream. Wastewater will be discharged into a cesspool to be dug about 10-20 feet makai of the structures and about 55 feet from the bluff above the shoreline. The cesspools will also be over 100 feet from the nearer of the two streams.

The structures, at their closest point, will be situated approximately 75 feet from the shoreline.

The cost of the proposed improvements is estimated to be \$5,000.

The State Land Use Commission classification of the land is Conservation.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Open and Extensive Agricultural Uses. In addition, the General Plan Natural Beauty Element discusses the Onomea Bay area as an example of natural beauty.

A Conservation District Use Application (CDUA) No. HA-1447 (in Planning Department file under CDUA No. 314) was issued by the State Board of Land and Natural Resources (BLNR) on August 4, 1982, for

the development. Some improvements have already been constructed pursuant to this permit and to two previous SMA Minor Permits (Nos. 82-28 and 85-38). The proposed improvements were approved by BLNR on September 22, 1988, under the aforementioned CDUA.

According to the 1973 "Soil Survey of Island of Hawaii", U.S. Department of Agriculture, Soil Conservation Service, the soil is classified as "Rough Broken Land" which is a "Miscellaneous Land Type" that consists of very steep, precipitous land broken by intermittent drainage channels. It occurs primarily in gulches, with slopes of 35 to 70 percent.

The property with its irregular eastern shoreline is transected by Onomea and Kahilii streams. Small beaches flank the stream mouths and rugged ledges form the shore in between. The southern portion of the property is bounded on the makai side by steep cliffs rising up to about 100 feet in height.

Surrounding mauka lands are zoned for agricultural use and are planted in sugar cane.

The Flood Insurance Rate Maps (FIRM), prepared by the U.S. Army Corps of Engineers, does not include the subject area. The U.S. Geological Survey Tsunami Inundation Map depicts the 100-year tsunami inundation line to extend inland a variable distance to the 20-30 foot elevation in the subject area.

The median annual rainfall at the site is just under 150 inches, as interpolated from a map in "Median Rainfall: State of Hawaii," Circular C-88, Department of Land and Natural Resources, State of Hawaii (1982).

The property is a botanic garden at which the lush naturalized vegetation has been partially to mostly replaced by plantings of numerous taxa. The original canopy cover has been left in place, and it consists of a number of tree species ranging in height from 40 to 80 feet and with diameters of up to 2-3 feet. These species include mango (Mangifera indica), hala (Pandanus sp.), monkeypod (Samanea saman), coconut (Cocos nucifera), Alexandra palms (Archontophoenix alexandrae), 'ulu (Artocarpus altilis) and false kamani (Terminalia catappa). Original and surviving understory plants include strawberry guava (Psidium cattleianum), naupaka (Scaevola taccada), Dieffenbachia sp., laua'e (Microsorium scolopendrium), and warabi (Athyrium esculantum). The vegetation includes a few common native species and some naturalized weeds, but the majority of the plant cover consists of cultivated species and hybrids, from both before and during the garden plantings of the last 10 years. Consequently, no endangered species of plants are expected to occupy the project site.

No archaeological sites listed on the State or National Registers of Historic Places are recorded from the parcels. A staff field check of the parcel on October 11, 1988, noted that the historic era graves on the property were over a hundred yards from the project site.

Access to the subject area is from the former main government road (now the scenic drive) which has a 50-foot right-of-way with a 17-foot wide pavement. The garden's bus shuttles visitors to and from the project site along a private roadway from the scenic drive. Access within the project area and to the proposed restrooms is by foot trail.

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 construction is not anticipated to have any adverse environmental or ecological effects.

The proposed action 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, scenic and open space resources, coastal ecosystems, economic uses, and coastal hazards. Due to the limited nature of the project, it is determined that the granting of this request will not impact on the identified resources.

The proposed construction is consistent with the present Conservation district.

Based on the above, 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. The applicant shall comply with the requirements of the Board of Land and Natural Resources.
3. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.
4. The applicant shall complete the construction within one year.
5. Public access to and along the shoreline shall not be impeded by the applicant, its heirs or assignees.
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.