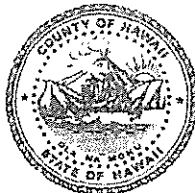


Deborah

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED™ AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Aupuni Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • FAX (808) 961-8742

March 2, 2006

Ms. Patricia G. Engelhard, Director
Department of Parks and Recreation
101 Pauahi Street, Suite 6
Hilo, Hawaii 96720

Dear Ms. Engelhard:

**Special Management Area Use Permit Assessment Application No. 06-000127
(SAA 06-127)**

Special Management Area Minor Permit No. 06-000023 (SMM 06-23)

Applicant: Department of Parks and Recreation

Land Owner: Department of Parks and Recreation

**Project: Placement of a new lifeguard tower at the northern end of
Kahalu'u Beach Park**

TMK: (3) 7-8-014:001

This is in response to the subject SAA application received on February 23, 2006, which was submitted to allow for the placement of a new (second) lifeguard tower at Kahalu'u Beach Park. We understand that the new tower is proposed for location near the mauka property line adjacent to Ali'i Drive at the north (Kailua) end of the park. The shelter footprint of the tower is approximately 4' by 4' and mounted on an approximately 10' by 10' skid. The tower will not exceed 8' in height above the existing immediate grade of the beach. The proposed project cost is \$15, 167.00.

Pursuant to Rule 9-4(10)A of the Planning Commission Rules of Practice and Procedure, "Development" includes the following:

- (i) *Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste; and*
- (v) *Construction, reconstruction, demolition, or alteration of the size of any structure.*

Ms. Patricia G. Engelhard, Director
Department of Parks and Recreation
Page 2
March 2, 2006

Therefore, we have determined that the proposed project requires a Special Management Area Minor Permit.

Since the proposed project is determined to not have a cumulative impact or a substantial adverse effect on the SMA, and the project does not exceed \$125,000 in valuation Special Management Area Minor Permit No. 06-000023 is hereby approved and transmitted by this letter.


Due to the narrow beach where the proposed lifeguard tower is to be sited, we estimate the tower will be within the shoreline setback area.

Rule 11-7(a) of the Planning Department Rules of Practice and Procedure identifies the structures and activities that are permitted within the shoreline setback area without the need for a Shoreline Setback Variance. Under Rule 11-7(a)(9), minor additions to or alterations of legal, publicly-owned boating, maritime, or water sports recreation facilities, which result in little or no interference with natural shoreline processes may be permitted within the shoreline setback area.

We have determined that the placement of the proposed lifeguard tower in the shoreline setback area will have little or no interference with the natural shoreline processes and is therefore, permitted.

Should you have questions, please feel welcome to call Larry Brown or Esther Imamura of my staff at 961-8288.

Sincerely,



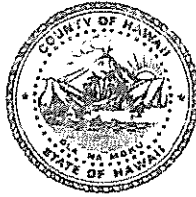
CHRISTOPHER J. YUEN
Planning Director

LMB:cd
P:\Wpwin60\Czm\SMM\2006\SMM 06-23 P&R Kahaluu Beach Park ltr.doc

Encl: SMM 06-23

xc: Long Range Planning - Ms. Deborah Chang
Planning Commission - Mr. Norman Hayashi

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED™ AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Aupuni Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • FAX (808) 961-8742

Special Management Area Minor Permit No. 06-000023

Project: Placement of a beach lifeguard tower at the northern end of
Kahalu`u Beach Park
Applicant: Department of Parks and Recreation
Land Owners: Department of Parks and Recreation
Location: Kahalu`u, North Kona, Hawaii
TMK: (3) 7-8-014:001

Applicant's Request

1. Project Description:

The Parks and Recreation Department intends to place a new lifeguard tower adjacent to the mauka boundary at the northern end of Kahalu`u Beach Park. The high impact fiberglass structure is mounted on skids that will be attached to a heavy concrete block buried in the sand below the structure.

2. Purpose of Project:

This proposed second lifeguard tower at Kahalu`u Beach Park will provide added surveillance of the beach and a closer location to the surfing area just outside the beach park to facilitate more rapid response during ocean related emergencies.

3. Project Valuation: \$15,167.00

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(i) and (ii), relating to the Special Management Area, "development" includes the placement or erection of any solid material or gaseous, liquid, solid, or thermal waste, and the construction, reconstruction, demolition, or alteration of the size of any structure.

Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject property is designated Urban by the State Land Use (SLU) Commission.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property for open space uses.
3. **County Zoning:** The subject property is zoned Open by the County of Hawaii.
4. **Special Management Area:** The subject property is located in the SMA.

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area

Check all objectives and policies found to be consistent with proposed development. Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

The proposed development is consistent with the following objectives and policies:

- ☒ 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. 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 the elimination of planning options.
- ☒ The proposed development is consistent with the Hawaii County General Plan and the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, to:
 - ☒ Provide coastal recreational opportunities accessible to the public.
 - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
 - ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
 - ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
 - ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.
 - ☒ Reduce hazard to life and property from tsunamis, storm waves, stream flooding, erosion, subsidence and pollution.
 - ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
 - ☒ Stimulate public awareness, education, and participation in coastal management.

- ☒ Protect beaches for public use and recreation.
- ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
 - ☒ Recreational Resources
 - ☒ Historic Resources
 - ☒ Scenic and Open Space Resources
 - ☒ Coastal Ecosystems
 - ☒ Economic Uses
 - ☒ Coastal Hazards
 - ☒ Managing Development
 - ☒ Public Participation
 - ☒ Beach Protection
 - ☒ Marine Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

Findings

As discussed above, the proposed 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.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$15,167.00 is not in excess of \$125,000.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 06-000023** is hereby approved, subject to the conditions stated below, to allow for the placement of the described new lifeguard tower and related improvements on the northern end of Kahalu'u Beach Park.


Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 06-000023** subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall comply with all applicable requirements of all State and County of Hawaii and Federal departments and agencies.

3. Should any of the conditions not be met the Planning Director shall initiate procedures to revoke the permit.

APPROVED:



CHRISTOPHER J. YUEN
Planning Director

3/2/06
Date