

County of Hawai'i

PLANNING DEPARTMENT

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Special Management Area Minor Permit No. 11-000190

Project: Install a 4 Foot High Rock Wall Topped with a 4.5 Foot High Wooden Fence Along Kaleopapa Road
Applicant: Kamehameha Investment Corporation (KIC)
Land Owner: Kamehameha Investment Corporation (KIC)
Location: Keauhou, North Kona, Hawai'i
TMK: 7-8-12: 14 **Land Area:** 14,353 sq. ft.

Applicant's Request

1. Project Description:

The applicant proposes to install a retaining wall mauka of the Fair Wind structure. It would originate in the northeast section of the parcel and extend south approximately 147 feet along Kaleopapa Road where it would then turn west (makai) approximately 20 feet. The wall would be about 3 feet wide at its base and 2 feet wide at the top. For safety and security reasons, it will be topped with a 4.5 feet high wooden fencing.

An approximately 6-inch deep by 3-foot wide deep channel will be dug along the length of the wall alignment which will be used for rip rap. In this process, a small amount of concrete would be poured into the bottom of the 6-inch deep channel to anchor the wall's foundation stones. The trench would not be filled with concrete; rather, just enough concrete to anchor the foundation stones would be used.

The staging area for all the work, and for storage of materials and equipment, will be at the southern end of the Fair Wind structure. This location is over 100 feet from the 1983 certified shoreline and, therefore, will not encroach into the shoreline setback area.

2. Purpose of Project:

This wall, for landscaping purposes, would minimize erosion of the embankment and prevent users of the property from falling onto Kaleopapa Road. It would also prevent further theft of wetsuits and snorkel and dive equipment used on the boating tours that is typically washed and left outside to dry.

3. Project Valuation: \$15,000

4. Determination:

Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)1)(B) and(E) relating to the Special Management Area, states that "Development" includes "*Grading, removing, dredging, mining, or extraction of any materials*" and "*Construction, reconstruction, demolition, or alteration of the size of any structure*", respectively. Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** It is designated Urban.
- 2. General Plan:** This parcel is designated Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. Kona Community Development Plan (KCDP):** The proposed activity is not contrary to the goals, objectives and policies of the KCDP.
- 4. County Zoning:** It is zoned Resort-Hotel (V-.75).
- 5. Special Management Area (SMA):** The subject property is located in the SMA and has frontage along the shoreline. However, the project area is mauka of the Fair Wind structure. Therefore, it is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
- 6. Flood Zone:** AE.

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area
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The subject property has frontage along the ocean. However, the project site is mauka of the Fair Wind structure. Therefore, the proposed project will not affect the recreational resources available to the public.

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, 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 Hawaii County General Plan and Zoning Code.

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

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

The enclosed Department of Public Works (DPW), Engineering Division memorandum dated August 16, 2011 states the following:

"We have reviewed the subject application for compliance with Hawai'i County Code (HCC) Chapter 27, Floodplain Management, forwarded by your memo dated July 27, 2011 and offer the following comments for your consideration.

The proposed retaining wall is in an area designated as Zone AE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone AE is an area subject to a 1% annual chance flood.

Please submit a Zone AE Special Flood Hazard Area Certification to the Department of Public Works for approval.

Questions may be referred to Carter Romero at 961-8327."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 11-000190** is hereby approved to install a 4 foot high rock wall topped with a 4.5 foot high wooden fence along Kaleopapa Road, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

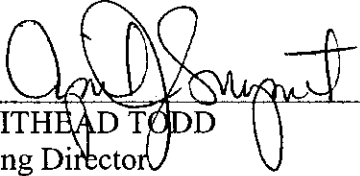
The Planning Director has approved **SMA Minor Permit No. 11-000190**, subject to the following conditions:

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 other affected agencies.
3. Prior to applying for a building permit, the applicant must submit a copy of the Special Flood Hazard Area Certification approved by the Department of Public Works.
4. Prior to applying for a building permit, the applicant shall provide documentation from the Department of Public Works that would allow for work within the County right-of-way.
5. The applicant shall secure a building permit within two (2) years from the date of approval of this permit.
6. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or wall be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the

Planning Director. The archaeological clearance requires a finding that sufficient mitigative measures are taken for the discovery; with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.

7. An extension of time for the performance of the conditions contained herein 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 original reasons for the granting of the permit; and
 - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
8. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:



for BJ LEITHEAD TODD
Planning Director

9.1.11

Date