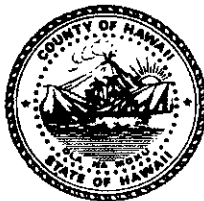


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i

PLANNING DEPARTMENT

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

Special Management Area Minor Permit No. 12-000201

Project: Kamehameha Avenue Reconstruction, Wailoa Bridge to Ponahawai Street
Use of Temporary Construction Staging Areas for Storage of Material and
Equipment
Applicant: County of Hawai'i Department of Public Works
Owner: State of Hawai'i
Location: South Hilo, Hawai'i
TMK: 3) 2-2-002:001 and 2-2-003:003 **Land Area:** 16.924 acres

Applicant's Request

1. Project Description:

The proposed project includes shaping the road crown, sidewalk and driveway repairs, traffic light, street light, bike lanes, and drainage improvements all within the existing right-of-way. In addition, two temporary construction staging areas are proposed in the Wailoa River State Recreation Area, outside of the right-of-way. The staging areas will be built with a layer of geotextile fabric and a layer of gravel, and surrounded by a 2-foot high silt-fence barrier. The staging areas could be used for parking large equipment and vehicles, a field trailer office, or for storing material and equipment in shipping containers. Loose materials such as gravel and dirt might also be stored in the staging area but would be protected by some sort of sheet covering.

2. Purpose of Project:

To correct deficiencies, the project will reconstruct the roadway, which involves reshaping of the roadway section, and replacing the pavement substructure and sidewalks. The existing traffic signal and street light systems are outdated and will be replaced with new facilities. Reconfiguration of the existing traffic lanes, by pavement striping, will better utilize the roadway, by adding a median two-way turn lane and adding a shoulder bike lane in each direction.

3. Project Valuation: \$40,000

4. Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule 9-4(e)(1)(A) "development" does include "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste.*" Therefore, the proposed use of temporary construction staging areas for storage of material and

equipment is considered “development” and requires a SMA Minor Permit, issued by this department.

State and County Plans

1. **State Land Use District:** The subject properties are designated Urban by the State Land Use Commission.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject properties Open.
3. **Hilo Bayfront Trails Master Plan:** The Hilo Bayfront Trails Master Plan includes shared use paths for the subject parcels. These shared use paths are not located within the subject right-of-way and are physically separated from motor vehicular travel. Therefore, the proposed project does not impact the Hilo Bayfront Trails.
4. **County Zoning:** The subject properties are zoned Open.
5. **Special Management Area:** The subject properties are located in the SMA, but not located in a “shoreline area” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS).
6. **Flood Zone:** VE.

Compliance with Objectives and Policies of Chapter 205A, Hawai‘i 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 Hawai'i 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 \$40,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated January 18, 2012, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated January 3, 2012, and have no objections to the request as it will not affect the flood zone boundary or elevation.

The proposed subject property is in an area designated as Flood Zone VE on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year flood (1% chance of occurring in any given year)."

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 12-000201** is hereby approved for the temporary construction staging areas on the subject properties, subject to the applicant's compliance with the conditions of approval as specified below.

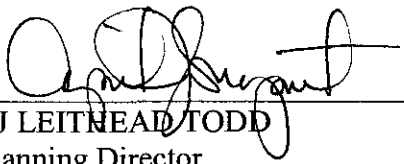
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 12-000201**, 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 secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. The applicant shall implement standard Best Management Practices (BMPs), including the ability to contain and clean up fuel; fluid or oil spills immediately for activities/uses.
4. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate area shall cease. 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.
5. 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).
6. 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:



BJ LEITHEAD TODD
Planning Director

JAN 23 2012

Date