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County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
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Special Management Area Minor Permit No. 12-000208

Project: 1) Demolish Two Single-Family Dwellings
2) Remove Debris
3) Grade, Grub and Install Landscaping Improvements
4) Relocate Rock Wall Along Ali'i Drive
Applicant: Lucile P. Kingman Trust – Peter H. Kingman, Trustee
Land Owner: Lucile P. Kingman Trust
Location: North Kona, Hawai'i
TMK: 7-7-8:20 **Land Area:** 1.3017 acres
TMK: 7-7-8:100 **Land Area:** 0.1722 acre

Applicant's Request

1. Project Description:

The applicant proposes to demolish the two single-family dwellings and remove related trash and debris. Coconut trees will be felled and used as barriers around dust controlled areas. The balance of the vegetation will be mulched and used as topsoil to amend the imported soil. Also proposed is irrigated grass areas to match existing grades with minimum grading efforts and gravel dust control. Finally, the existing rock wall along Ali'i Drive will be relocated and rebuilt within the property boundary.

2. Purpose of Project:

The purpose is to provide needed open space for the White Sands Beach Park and the Pahoeohoe Beach Park area.

3. Project Valuation: \$50,000.00

4. Determination:

According to Hawaii Revised Statutes (HRS) Chapter 205A-22 and Planning Commission (PC) Rule 9-4(e)(1)(E), (B) and (A), "development" includes "Construction, reconstruction, demolition, or alteration of the size of any structure", "Grading, removing, dredging, mining, or extraction of any materials", and "Placement or erection of any solid material or any gaseous, liquid, solid, or thermal

waste”, respectively. Therefore, the proposed project is considered “development” and requires a Special Management Area Minor Permit.

State and County Plans

1. **State Land Use District:** Most of Parcel 20 is Urban with a northeastern portion that is Agricultural. Parcel 100 is entirely Urban.
2. **Department of Land and Natural Resources – State Historic Preservation Division (DLNR-SHPD):**
 - a. A Burial Treatment Plan for State Sites 50-10-37-18006, -18010, -18011, -18013, -18015, The Kingman Trust Property, Pahoehoe *Ahupua‘a*, North Kona, Hawai‘i (TMK: 7-7-08:20, 31 and 100) dated November 1997, was revised October 2000.
 - b. According to Hawai‘i Revised Statutes (HRS) Chapter 6E-2, “ ‘*Historic property*’ means any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old”. The dwelling on Parcel 20 was constructed in 1939. Therefore, DLNR-SHPD requires a review for demolition of any structure that has been flagged as potentially historic.
3. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates both parcels as Open.
4. **Kona Community Development Plan:** Adopted as Ordinance No. 08 131 and effective September 25, 2008, one of the 8 Guiding Principles includes “*Provide recreation opportunities*”.
5. **County Zoning:** Both parcels are zoned Resort-Hotel (V-1.25).
6. **Special Management Area (SMA):** The subject parcels are located in the SMA. However, they are mauka of Ali‘i Drive and not located in a “shoreline area” as defined by Section 205A-41, Hawaii Revised Statutes (HRS).
7. **Flood Zone:** “AE Floodway”, “AE” and “X”.

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

The project area does not have frontage along the coastline and there are no public access trails on or adjacent to the subject parcels. The additional open space will enhance 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 tsunami, 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 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 \$50,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated March 12, 2012 states the following:

"We reviewed the subject application and our comments are as follows:

We have determined that the subject property is located within Flood Zone "AE Floodway", "AE", and "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

Alteration of, or any new construction, improvements to repetitive loss structures or substantial improvements of structures within Parcel 20 and 100 will be subject to the requirements of Chapter 27 - Flood Plain Management, of the Hawai'i County Code. A flood study may be required for ground alterations in the flood zone.

According to Section 27-18c3, fill is prohibited in the Flood way and AE flood zone unless certified by a licensed civil engineer, with supporting data, that the encroachment will not cause any increase in the base flood elevations during the occurrence of the base flood discharge.

All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of the Hawai'i County Code.

The applicant shall comply with Chapter 11-5, Water Pollution Control, Hawai'i Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activity.

A building permit is required for demolition of structures.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 323-4850."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 12-000208** for the proposed project is hereby issued, 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. 12-000208** 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. Prior to applying for any grubbing and/or grading permit(s), submit documentation from DLNR – SHPD regarding compliance with the burial treatment plan and the historic resources inventory requirements.
4. The demolition of the dwellings and the disposal of waste material are subject to the requirements of Chapter 20 - Refuse, of the Hawaii County Code and may require a Landfill Disposal Permit from the Department of Environmental Management, Solid Waste Division (961-8339). For your information, we have enclosed a copy of their Solid Waste Demolition Diversion Plan Guidelines. While you may not be required to prepare a Solid Waste Demolition Diversion Plan we highly recommend the recycling of all reusable materials. Please contact the Department of Environmental Management, Recycling Section at 961-8942 for information about recycling programs in Hawai'i County.
5. All green waste shall be disposed of at appropriate locations designated by the Department of Environmental Management for green waste, or mulched within the portions of the subject properties located within Flood Zone "X".
6. Any other construction activity, including but not limited to, the construction of structures of any type shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
7. All activities in connection with this project shall be completed within one (1) years from the date of this permit.
8. 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.

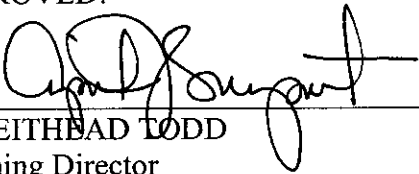
9. An extension of time for the performance of the conditions contained herein may be granted by the Planning Director upon the following circumstances:

- 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).

10. 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.

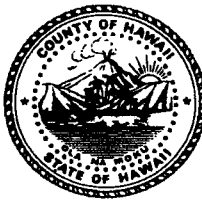
Should you have questions, please contact Esther Imamura of this office at 961-8139.

APPROVED:


for BJ LEITHEAD TODD
Planning Director

3.31.12
Date

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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August 8, 2017

Ms. Tina Clothier
Executive Director
PATH
P.O. Box 62
Kailua-Kona, HI 96745

Dear Ms. Clothier:

SUBJECT: Special Management Area Minor Permit (SMM 12-000208)
Request: Amendment to Add a Bikeshare Rack
TMK: (3) 7-7-008:020, North Kona, Hawai'i

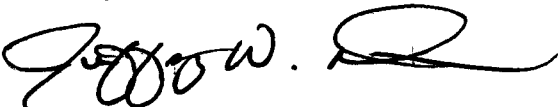
This is in response to your July 26, 2017, request to install a bikeshare rack adjacent to the pedestrian walkway within the parking area on the subject parcel. This would create 15 additional bike parking spaces, thereby providing access to the beach for residents and visitors without motor vehicles. Further, a Declaration of Exemption from the preparation of an environmental assessment for the bike rack was issued by the County of Hawai'i, Department of Parks and Recreation on July 20, 2017.

Special Management Area Determination:

SMM 12-000208 to provide additional park space on the subject parcel was approved on March 30, 2012. We find that the proposed installation of a bikeshare rack is consistent with and covered by SMM 12-000208.

If you have any questions, please contact Esther Imamura of this department at (808) 961-8139.

Sincerely,


MICHAEL YEE
Planning Director

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AUG 10 2017