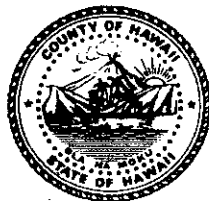


William P. Kenoi
Mayor



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. 12-000216

Project: Construction of a Bus Stop and Shelter within the Right-of-Way
Applicant: County of Hawai'i, Mass Transit Agency
Land Owner: County of Hawai'i
Location: North Kona, Hawai'i, Adjacent to:

1. 7-8-10:35 Outrigger Keauhou BR (North)
2. 7-8-13:3 Outrigger Keauhou BR (South)
3. 7-8-14:1 Kahalu'u Beach Park (South)
4. 7-8-14:86 Kahalu'u Beach Park (North)
5. 7-7-8:18 La'aloa Bay Beach Park (South)
6. 7-7-8:18 La'aloa Bay Beach Park (North)
7. 7-6-15:15 Kona Bali Kai (North)
8. 7-6-15:23 Kona Bali Kai (South)
9. 7-5-20:7 Casa de Emdeco
10. 7-5-20:73 Ali'i Lani
11. 7-5-18:75 Kona Beach North

Applicant's Request

1. Project Description:

A bus stop and bus shelter is proposed adjacent to these eleven North Kona sites.

The project will provide a pre-manufactured bus shelter on a 11'x8' concrete slab with a 5'x8' concrete landing pad for wheelchair access to a bus lift. Other elements include signage, pavement markings and miscellaneous appurtenant work to restore the area after construction activities. The bus shelter and pad will meet with Americans with Disability Act Guidelines.

These structures will be constructed entirely within the improved County right-of-ways.

2. Purpose of Project:

The proposed project will improve the island wide bus system facilities.

3. **Project Valuation:** Approximately \$20,000 for each site.

4. **Determination:**

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(E) relating to the Special Management Area, "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is not exempt from the definition of "development." Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

1. **Landowner:** All improvement will be within the County's right-of way.
2. **State Land Use District:** The project areas are all designated Urban by the State Land Use Commission.
3. **General Plan:** The project sites are located within either the Resort Node, Medium Density Urban or Open areas as designated by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
4. **County Zoning:** There are no zonings for County right-of-ways.
5. **Special Management Area (SMA):** Although the project areas are located within the SMA, they are not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS). Approximate distance from the coastline range from 85 feet to 640 feet.
6. **Flood Zone:** Flood Zone "X" for sites 1-6 and 9-11; Flood Zone "AE" for sites 7 and 8.

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area
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All project areas are within the existing right-of-way and do not have frontage along the coastline. Therefore, the proposed improvements will not affect lateral public access or coastal 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 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 \$20,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated April 17, 2002 states the following:

"We reviewed the subject application with regard to compliance with Chapter 27, Floodplain Management, of the Hawai'i County Code and our comments are as follows:

We have determined that the subject shelter sites 1 thru 6 and 9 thru 11 are located within Flood Zone 'X' according to the effective Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

The above information is based on the most recent FIRM for the County of Hawai'i. Zone 'X' is not a designated Special Flood Hazard Area. A Zone 'X' designation does not imply that the referenced property will be free from flooding or flood damage. A property not in a Special Flood Hazard Area may be damaged by a greater flood than that predicted on the FIRM or from a local drainage problem not shown on the map.

We have determined that the subject shelter sites 7 and 8 are located within Flood Zone 'AE' according to the effective Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

The proposed shelters fronting Parcels 7-6-015:015 and 7-6-015:023 will be subject to the requirements of Chapter 27 - Floodplain Management, of the Hawai'i County Code."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 12-000216** is hereby approved for the construction a bus stop and bus shelter in the County's right-of-way adjoining the eleven tax map key parcels. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

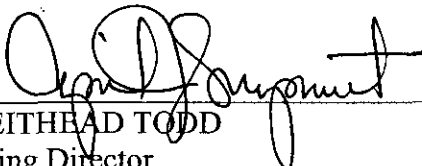
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 12-000216** 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 required permits from affected state and county agencies as necessary to comply with all applicable laws and regulations.
3. The construction of the bus stops and bus shelters shall be completed within two (2) years from the date of approval of this permit.
4. 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).
5. 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 LEITHHEAD TODD
Planning Director

APR 23 2012

Date