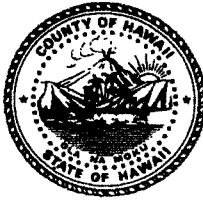


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
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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
Fax (808) 961-8742

August 20, 2012

Mr. Kaiali'i Kahele
Pa'a Pono Miloli'i Inc.
P.O. Box 7715
Hilo, HI 96720

Dear Mr. Kahele:

**SUBJECT: Special Management Area Use Permit Assessment Application
(SAA-11-000746)
Special Management Area Minor Use Permit (SMM-12-000233)
Applicant: Pa'a Pono Miloli'i Inc.
Land Owner(s): County of Hawai'i
Request: Construct a Multi-purpose Pavilion
Tax Map Key: (3) 8-6-013:021; Kauhako, South Kona, Hawai'i**

This is in response to your Special Management Area Use Permit Assessment Application received on November 9, 2011. In addition, an application containing the original landowner signature was received on December 1, 2011. However, the application could not be considered complete until the applicant complied with Hawai'i Revised Statutes (HRS) Chapter 343-5. In compliance with HRS Chapter 343-5, a Finding of No Significant Impact (FONSI) was published in the August 8, 2012 Office of Environmental Quality Control Environmental Notice.

The applicant proposes to build a 3,200 square feet park pavilion that includes a central, open-air lanai space with roof; an enclosed, air conditioned office space; two equipment and material storage rooms; and a cultural center/ exhibition space.

The subject property consists of 44,734 square feet. The parcel is designated Conservation by the State Land Use Commission. In the Conservation District, there is no county zoning, per se. Therefore, the State of Hawai'i Department of Land and Natural Resources (DLNR) has jurisdiction on any use or activity on this parcel. According to the County of Hawai'i General Plan 2005 (amended December 2006), the subject property is designated as Open by the Land Use Pattern Allocation Guide. In addition, although the proposed project site is not located in a "shoreline area"

AUG 20 2012

Mr. Kaiali'i Kahele
Pa'a Pono Miloli'i Inc.
August 20, 2012
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as defined by Section 205A-41, Hawaii Revised Statutes (HRS)", it is within the Special Management Area (SMA) and subject to review against SMA rules and regulations.

Special Management Area Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(E) relating to Special Management Area, "Construction, reconstruction, demolition or alteration of the size of any structure" is defined as "development" and requires a review against the Special Management Area rules and regulations.

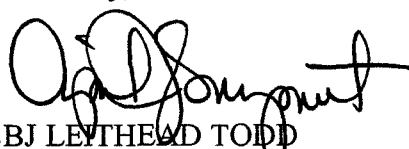
Compliance with Environmental Impact Statement Regulations (Chapter 343, HRS):

According to HRS Chapter 343-5, an environmental assessment shall be required for actions that propose the use of state or county lands or the use of state or county funds. The Final Environmental Assessment Finding of No Significant Impact (FONSI) was published in the August 8, 2012 Office of Environmental Quality Control Environmental Notice.

Based on the above and pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.12-000233 is hereby issued to allow the construction of a 3,200 square feet park pavilion that includes a central, open-air lanai space with roof; an enclosed, air conditioned office space; two equipment and material storage rooms; and a cultural center/ exhibition space. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

If you have questions, please feel free to contact Bethany Morrison of this department at 961-8138.

Sincerely,


for BJ LEITHEALD TODD
Planning Director

BJM:bjm

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Enclosure - SMM No. 12-000233
Department of Public Works Memorandum dated December 8, 2011

Mr. Kaiali'i Kahele
Pa'a Pono Miloli'i Inc.
August 20, 2012
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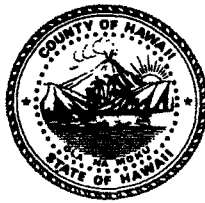
xc w/encls: Long Range Planning Division
 Planning Division

 Department of Parks and Recreation

 Department of Housing and Community Development

xc ltr only: Mr. Jesse K. Souki, Director
 Office of Planning, DBEDT
 State of Hawaii Department of Business, Economic
 Development & Tourism
 P.O. Box 2359
 Honolulu, HI 96804-2359

William P. Kenoi
Mayor



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PLANNING DEPARTMENT

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Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

Special Management Area Minor Permit No. 12-000233

Project: Construct a Multi-purpose Pavilion
Applicant: Pa'a Pono Miloli'i Inc.
Owner: County of Hawai'i
Location: Kauhako, South Kona, Hawai'i
TMK: (3) 8-6-013:021 **Land Area:** 44,734 square feet

Applicant's Request

1. Project Description:

The proposed project is to construct a 3,200 square foot park pavilion that includes a central, open-air, lanai space with roof; an enclosed, air conditioned office space; two equipment and material storage rooms; and a cultural center/ exhibition space. The building will be constructed with a concrete slab and concrete columns spaced at about 20 foot intervals, a gable single ridge wood roof with aluminum roofing, breakaway wood walls with both fixed and jalousie windows, no plumbing, and the standard required electrical supply lines. A concrete sidewalk 10-foot wide will encircle the entire perimeter of the structure, and tie into the two existing concrete footpaths.

2. Purpose of Project:

The purpose of the project is to address the community's need for a permanent, covered public gathering space for public meetings; cultural activities, and educational and recreational programs, and to consolidate existing Friends of Ho'okena Beach Park operations within a single, permanent, and secure structure.

3. Project Valuation: \$400,000

4. Determination:

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4 (e)(1)(E) relating to Special Management Area, "Construction, reconstruction, demolition or alteration of the size of any structure" is defined as "development" and requires a review against the Special Management Area rules and regulations. Therefore, the construction of a multi-purpose pavilion requires an SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The parcel is located in the State Land Use Conservation District.
2. **General Plan:** The parcel is designated as Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** In the Conservation District, there is no county zoning, per se. Therefore, the State of Hawai'i Department of Land and Natural Resources (DLNR) has jurisdiction on any use or activity on this parcel.
4. **Special Management Area:** The subject property is located entirely within the SMA, but the project site is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** X

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 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 \$400,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated December 8, 2011, states the following:

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

We have determined that the proposed structure is located within Flood Zone "X" according to the 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."

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 12-000233** is hereby approved for the construction of a multi-purpose pavilion and related improvements on the subject parcel, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

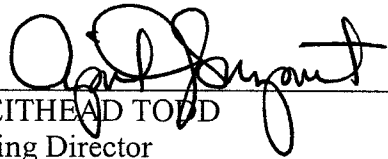
The Planning Director has approved **SMA Minor Permit No. 12-000233**, subject to the following conditions:

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. A Conservation District Use Permit from the Board of Land and Natural Resources or other written approval from the Department of Land and Natural Resources Office of Conservation and Coastal Lands must be obtained for the project within one (1) year from the date of approval of this permit.
4. The Building Permit for the proposed addition shall be secured within two (2) years from the date of approval of the Conservation District Use Permit.
5. 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.
6. 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).
7. 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.

If you have questions, please feel free to contact Bethany Morrison of this department at 961-8138.

APPROVED:


BJ LEITHEAD TODD
Planning Director


8.20.12
Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: December 8, 2011

Memorandum

TO : B. J. Leithead-Todd, Planning Director
Planning Department

FROM : Ben Ishii, Division Chief 
Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 11-000734)
Applicant: Pa'a Pono Miloli'i and the Friends of Ho'okena Beach Park
Location: Kauhako, South Kona, Hawaii
TMK: 3 / 8-6-013:021

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

We have determined that the proposed structure is located within Flood Zone "X" according to the 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 Hawaii. 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.

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

KE
copy: ENG-HILO/KONA