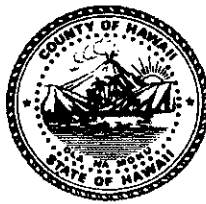


William P. Kenoi
Mayor



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. 12-000241

Project: Park Improvements Including Grubbing and Clearing of Unused Areas
Applicant: Daniel Quinn, Administrator, Division of State Parks
Location: Lālāmilo, South Kohala, Hawai'i
TMK: (3) 6-6-002:031, 035 **Land Area:** 195.179 acres

Applicant's Request

1. Project Description:

The project is a repair and improvement project that consists of clearing and grubbing of unused open space areas in the developed portions of the park, pothole repair, and repaving and restriping of the existing parking areas and roadways within the Hapuna Beach and Waialea Bay sections of the park. The clearing and grubbing of the Hapuna Beach section will go down 6 inches in an area approximately 16,210 square feet, and the Waialea Bay section will go down 4 inches in an area approximately 14,800 square feet. Together the cleared areas total approximately 31,020 square feet.

2. Purpose of Project:

The clearing and grubbing of park land adjacent to existing parking areas optimize the unused developed areas of the park for park users and State Park staff. This is critical in providing safe areas for maintenance activities, overflow parking, and park operations should the need arise. The other activities in this project include pothole repair and paving of existing parking areas and roadways that have deteriorated through age and increased usage of the park.

3. Project Valuation: \$33,995

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule 9-4(e)(2)(B) and 9-4 (e)(2)(F) relating to Special Management Area, "development" does not include "Repair or maintenance of roads and highways within existing rights-of-way;" and "Repair, maintenance, or interior alterations to existing structures or relating to existing uses." Therefore, we have determined that the proposed parking and roadway repaving and pothole repair are considered exempt from the definition of "development". Further review of those specific requests against the Special Management Area rules and regulations will not be required.

In addition, according to Chapter 205A-22, HRS, and Planning Commission (PC) Rule No. 9-4 (e)(1)(B) relating to Special Management Area, "*Grading, removing, dredging, mining, or extraction of any materials*" is defined as "development". We have determined that the proposed grubbing and clearing of unused areas require a review against the Special Management Area rules and regulations. Therefore, grubbing and clearing requires an SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The parcels are located in the State Land Use Conservation District.
2. **General Plan:** The parcels are designated as Open and Low Density Urban by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcels are zoned Open and Single-Family Residential (RS-10) by the County of Hawai'i.
4. **Flood Zone:** A and AE.

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 approximately \$33,995 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated October 8, 2012, states the following:

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

Watercourses shall not be altered without first obtaining approval from DPW and a grading permit, subject to the requirements of Chapter 27- Flood Plain Management, of the Hawai'i County Code.

The proposed Hapuna Beach Park main parking lot repaving is in Zone A according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). The proposed repaving is not expected to alter the Flood Zone and will be in conformance with Chapter 27 of Hawai'i County Code.

The clearing and grubbing of the area labeled "overflow parking" for the Wailea Bay Section appears to be partially in a mapped AE Zone. Provided only grubbing is planned, the work should be in conformance with Chapter 27 of Hawai'i County Code.

All earthwork and grading shall conform to Chapter 10, Erosion and Sediment Control, of Hawai'i County Code. Best Management Practices shall be implemented to avoid sediment laden runoff to Hapuna Bay and Wailea Bay. The applicant shall comply with chapter 11-55, Water Pollution Control, Hawai'i Administrative Rules, Department of Health, which requires an NPDES permit for certain construction activity."

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 12-000241** is hereby approved for the grubbing and clearing of unused 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. 12-000241**, 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. 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.

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

APPROVED:


BJ LEITHEAD TODD
Planning Director

10.10.12
Date