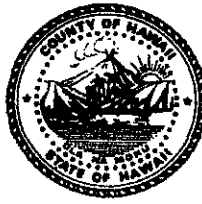


William P. Kenoi  
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Director

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**County of Hawai'i**  
**PLANNING DEPARTMENT**

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**Special Management Area Minor Permit No. 12-000251**

**Project:** Safety Improvements to Alapaki Lane  
**Applicant:** Kapoho Beach Association  
**Location:** Kapoho Beach Lots Subdivision, Kapoho, Puna, Hawai'i  
**Landowners:** Kapoho Beach Community Association  
**TMK: 1-4-10:Por. of 61**  
Robin R. Hunt and Vikki Hunt  
**TMK: 1-4-10:14**  
Roger V. Meeker and Terrilee Meeker  
**TMK: 1-4-10:23**  
Arthur Kimura for Kimura-Nagao, Inc.  
**TMK: 1-4-10:24 & 25**  
Ann Koshy Trust  
**TMK: 1-4-10:26**  
Robert G. Mitchell and Aiko U. Mitchell  
**TMK: 1-4-10:27**

**Applicant's Request**

**1. Project Description:**

Kapoho Beach Lots Subdivision (Subdivision No. 575), approved on July 21, 1952, is a privately owned subdivision. The roadway lot consists of 8.037 acres.

This portion of Alapaki Lane is relatively narrow with the existing improved roadbed approximately 12' wide within the 30-foot right-of-way. Plans call for raising the road level by between 1" and 14" over a 250-foot length section, with an average level or raise being approximately 6" to 8". The repair work will be limited to repaving the original road with asphalt concrete (A.C.) in lieu of the original asphalt, following the original elevations and grades, and within the same footprint of the existing roadway. The routing of the roadway will not change at all.

The Safety Improvement Plan for Alapaki Lane dated February 2012, consists of Dwg. No. T-1, C-1 (Title and Profile), C-2 (Details) and C-3 (Storm Water Pollution Prevention Plan and BMP Details). Proposed are the following:

**A. Pavement:**

1. 12' travel lane with 2.25' shoulder on the northerly side, totaling 14.25' pavement
2. Paved area with bituminous surface (approximately 348 linear feet and 6,171 square feet)
3. Bituminous surface – imported ¾" ~1 ½" granular material
4. 114 cubic yards imported fill (fill includes only for 6" thick pavement structure)
5. Compacted sub-base fill of 11 cubic yards imported 3" minus granular material

**B. Concrete Rubble Masonry (CRM) retaining wall with solid concrete core and grouted joints in the rock face along the northerly side of the road:**

1. Approximately 264 linear feet with 69 cubic yards of material
2. 1' high wall
  - a. 12" minimum below grade and 12" maximum above grade
  - b. 2'-6" base, 12" top and 6" minimum above pavement
3. 2' high wall
  - a. 12" minimum below grade and 24" maximum above grade
  - b. 3' base, 12" top, and 6" minimum above pavement
4. Approximated 30 cubic yards excavated soil to be discharged into commercial haul truck and hauled away from site to an approved

**C. Driveway aprons: Minor "feathering" of the driveways for Parcels 23, 24, 25, 26 and 27.**

**D. Staging/Parking Area per letter dated October 26, 2012: Originally planned to be within the right-of-way, it was relocated to Parcel 14. Although there is a pond at the southeasterly portion of this parcel, the pond will be taped off and segregated from the construction staging/parking area.**

**E. Best Management Practices (BMPs):**

1. Install silt fence with geotextile filter fabric a minimum 36 inches wide.
2. Place sediment waddles around stockpiled storage materials, along silt fences and the ponds on Parcel 14 and Parcel 25.
3. Construct 10'L x 10'W x 2'D construction equipment wash sediment basin with impermeable liner for mortar mix, wash water and other wash down water for cleaning. Also by letter dated October 26, 2012, this was relocated to Parcel 14.

**2. Purpose of Project:**

Many of the parcels in this subdivision are within a few feet of sea level. This section of the road experiences occasional, but regular, partial submergence through ground saturation during high tidal events throughout the year. Raising the road level by several inches will avoid the inundation events, allow for full and safe access to the affected residences, and avoid road degradation caused by the occasional partial tidal submergence.

**3. Project Valuation: \$50,000**

**4. Determination:**

Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1)(B), and (E) relating to the Special Management Area, states that "Development" includes "Grading, removing,

*dredging, mining, or extraction of any materials” and “Construction, reconstruction, demolition, or alteration of the size of any structure”, respectively. Therefore, the proposed project requires a SMA Minor Permit.*

### **State and County Plans**

1. **State Land Use District:** The subject parcels are designated Urban.
2. **General Plan:** According to the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map, Parcel 14 is designated Low Density Urban and Open, while the others are all Open.
3. **Puna Community Development Plan:** Chapter 2.4.1a, Goals in the Shoreline Area – *“Exposure of development to the risks of shoreline subsidence and coastal flooding is reduced.”*
4. **County Zoning:** Although there is no zoning for a roadway lot, the other parcels are all zoned Single-Family Residential (RS-10).
5. **Special Management Area (SMA):** The subject properties are located in the SMA. Although the project area does not have frontage along the coastline, the end of Alapaki Lane is approximately 30 feet from the ocean. However, a 5-7 feet high berm extends from the end of the road to a rock wall along the ocean.
6. **Flood Zone:** Flood Zone “AE and VE”.

### **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 ocean. Therefore, the proposed project will not affect 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 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, Environmental Impact Statements.

<b>Findings</b>
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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 (DPW), Engineering Division memorandum dated December 4, 2012 states the following:

*"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated November 30, 2012 and have no objections to the request.*

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

*The subject project construction plan was approved April 16, 2012 by this department."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 12-000251** is hereby approved for safety improvements to Alapaki Lane, subject to the applicant's compliance with the conditions of approval as specified below.

<b>Conditions of Approval</b>
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The Planning Director has approved **SMA Minor Permit No. 12-000251**, subject to the following conditions:

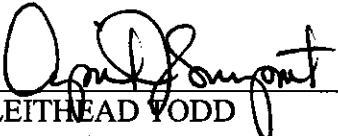
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall comply with all other applicable requirements of other affected federal, state, or county agencies.
3. All work must occur during periods of low tides when there is no possibility of submergence in the project area. Any paving can only occur during periods of low tide when it is clear from tide charts and weather reports that all material will be dry or hardened prior to the next high tide.
4. Condition No. 3 must be added to the General Construction Notes of Dwg. No. T-1.
5. Although Dwg. No. C-3, Storm Water Pollution Prevention Plan & BMP Details, initially had the sediment basin w/impermeable liner in the right-of-way, by letter dated October 26, 2012, the construction staging/parking area was relocated to Parcel 14. Therefore, prior to the commencement of any land altering or construction activities, a construction and silt barrier shall be installed five feet away from and along the northerly and westerly side of this pond to prevent equipment and construction materials from inadvertently falling into it.

6. Prior to the commencement of any land altering or construction activities, construction and sedimentation barriers shall be implemented and remain in place until all construction activity is completed.
7. The construction and sedimentation barriers must be shown and properly noted on the plans submitted with any permits required for any land altering or construction activities. The construction notes on the plans must include the following statement, "the construction and sedimentation barriers must be erected prior to any land altering or construction activities, and must remain in place until final inspection by the Department of Public Works, Engineering Division.
8. Best Management Practices (BMPs) denoted on Dwg. No. C-2 and C-3 must be complied with in a timely fashion.
9. The project area shall be kept clear of any rubbish or debris resulting from the construction activities at all times.
10. Planning staff shall be allowed access to monitor the construction activity. Please contact Zoning Inspector David Abelaye at 961-8150 to provide him with the work schedule and to notify him of any adjustments to the work schedule that may be required as well as for the following:
  - a. After installation of the silt fences and sediment waddles
  - b. After set up of the sediment basin
  - c. After form installation but before paving
11. 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.
12. All construction activities shall be completed within one (1) year from the date of approval of the last required Federal, State and County permits.
13. 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 determination; 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).

14. 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 contact Esther Imamura of this office at 961-8139.

APPROVED:

  
BJ LEITHEAD YODD  
Planning Director

12.21.12  
Date