

William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

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. 13-000276

Project: Placement of a Mobile RV Educational and Concessions Trailer
Applicant: The Kohala Center
Land Owner: County of Hawai'i, Department of Parks & Recreation
Location: Kahalu'u Beach Park, North Kona, Hawai'i
TMK: 7-8-14:1 **Land Area:** 4.233 acres

Applicant's Request

1. Project Description:

The applicant proposes to place a mobile RV educational and concessions trailer on the subject parcel. Only minor grading will be needed for the pilings to stabilize the trailer.

The 26'2" long by 17'3" wide by 8' high trailer will be stationary at the location used by the existing van. However, it is considered "mobile" because in emergency situations such as a tsunami, a truck parked at the Sheraton Kona Resort and/or the Keauhou Shopping Center will pull the trailer out of the park. Authorization from Sheraton Kona Resort & Spa at Keauhou Bay to park the truck was received on February 28, 2013 and parking at Keauhou Shopping Center is on a first come, first serve basis.

2. Purpose of Project:

By allowing them into the RV trailer, the Kohala Center provides education for all visitors in subjects related to park rules, limited natural resources, cultural and natural history, safe and appropriate use of the park, and the respectful behaviors expected of all who enter the water and utilize the beach park. They also manage concessions at the park, rents snorkel equipment and sells retail products.

3. Project Valuation: \$113,000.

4. Determination:

Hawaii Revised Statutes Chapter 205A and Planning Commission Rule 9-4(e)(1)(B) and (A) state that "Development" includes "*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 placement of a mobile RV educational

and concessions trailer on the subject parcel requires a Special Management Area (SMA) Minor Permit.

State and County Plans

1. **State Land Use District:** The parcel is designated Urban.
2. **Chapter 343, HRS:** On May 31, 2013, the Department of Parks and Recreation issued a Declaration of Exemption regarding the preparation of an environmental assessment, pursuant to Exemption Class and Item Number 6:12, "*Visitor information concession/kiosks of 2,000 square feet or less*".
3. **General Plan:** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Open.
4. **County Zoning:** The parcel is zoned Open (O).
5. **Special Management Area (SMA):** The parcel is in the SMA and has frontage along the coastline. However, the project area at Kahalu'u Beach Park is approximately 93 feet from the ocean and mauka of a CRM wall, concrete walkways and the main pavilion. Therefore, it is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).

Although there is a pond on the property, Waikua'a'ala Pond is approximately 177 feet north of the project site.

6. **Flood Zone:** "VE"

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

The subject parcel has frontage along the coastline. However, the project area is approximately 93 feet from the ocean and mauka of the main pavilion. Therefore, it would not affect the recreational resources available to the public.

Check all objectives and policies found to be consistent with proposed improvement. 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, 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 cost of approximately \$113,000 is not in excess of \$500,000.

The enclosed Department of Public Works- Engineering Division memorandum dated June 21, 2013 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 "VE" 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 7-8-014:001 are subject to the requirements of Chapter 27 – Flood Plain Management, of the Hawai'i County Code.

According to the applicant, the subject trailer is licensed and highway ready to relocate in the case of a flood event in conformance with Section 27-23(h). As such, under Chapter 27, the trailer is not a "structure", is exempt from elevation, certification and anchoring requirements of Chapter 27 Article 4, in order to comply with Chapter 27 of Hawai'i County Code.

A building permit is required. See the attached memo from our Building Division.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 323-4851."

Memorandum from David M. Lyman, Building Division dated June 20, 2013:

"Our comments on the subject application are as follows:

Approval of the application shall be conditioned on the comments as noted below.

All new building construction shall conform to current code requirements.

Building Permit is required. Submit for building permit for Educational RV Trailer and all new construction."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 13-000276** is hereby approved to allow for the placement of a mobile RV educational and concessions trailer, 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. 13-000276, 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 applicable requirements of all Federal, State and County of Hawai'i departments and agencies.
3. The building permit shall be obtained within one year of the date 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.

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

APPROVED:


DUANE KANUHA

7-18-13

Date