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Special Management Area Minor Permit No. 13-000284

Project: Installation of Rescue Tube Device(s) and Appurtenant Mounting Support and Signage
Applicant: County of Hawai'i, Department of Parks and Recreation
Land Owner: County of Hawai'i
Location: Various Locations, Hawai'i
Tax Map Key(s):

(3) 3-6-002:013, 024,026, 038;
(3) 5-2-001:016;
(3) 5-7-003:013;
(3) 6-2-002:008;
(3) 7-3-063:012;

(3) 7-5-005:083;
(3) 7-5-018:020;
(3) 7-7-008:017, 035, 106, 107;
(3) 7-8-014:001;
(3) 8-6-013:020-025, 028-031,046-048

Applicant's Request

- 1. Project Description:** The Department of Parks and Recreation proposes the installation of seventeen (17) rescue tubes and appurtenant mounting supports and signage. The rescue tube is an approximately 50-inch long flotation device. The rescue tube is mounted to an approximately 2-inch diameter PVC pole via two Velcro straps for ease of removal. The PVC support pole can be mounted using various methods, the most common of which entails the placement of a concrete footing, typically no larger than 2'x2'x2', to which a threaded metal sleeve is affixed via a galvanized flange and concrete fasteners. In some locations, the PVC pole can be mounted to existing concrete slabs via a similar flange, or where there is a prevalence of sand, the pole can be direct-buried a minimum of 24-inches. The rescue tubes are intended to be readily accessible in the event of an emergency. They will be placed in conspicuous, easy to get to, and central locations that will have negligible, if any, impacts on existing uses, structures, vegetation or other features.
- 2. Purpose of Project:** The primary objective of this effort is to enhance the safety of beach and ocean-goers at public parks by providing a means of safely rendering aid to persons in the water who are in distress until rescue services can respond. Given the stated purpose of these rescue tubes, it is the intent to place them at locations within public beach parks where public use of beaches, shoreline and ocean is greatest.
- 3. Project Valuation:** Approximately \$150 per tube (17) for a total of \$2,550 for the entire project.
- 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. **State Land Use District:** The following parcels are all designated Urban by the State Land Use Commission:

(3) 6-2-002:008;
(3) 7-3-063:012;
(3) 7-5-005:083;
(3) 7-5-018:020;
(3) 7-7-008:017, 035, 106, 107;
(3) 7-8-014:001.

The following parcels are 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 these parcels:

(3) 3-6-002:013, 024,026, 038;
(3) 5-2-001:016;
(3) 5-7-003:013;
(3) 8-6-013:020-025, 028-031,046-048.

2. **General Plan:** The project sites are all located within either the Open areas as designated by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The project sites are either located within the Open, Agricultural (A-1a, A-5a, A-20a), Light Industrial (ML-20), or Resort-Hotel (V-.75) zoning district.

Open:

(3) 6-2-002:008;
(3) 7-3-063:012;
(3) 7-7-008:017, 035, 106, 107;
(3) 7-8-014:001;
(3) 8-6-013:020-025, 028-031,046-048

Agricultural (A-1a):

(3) 3-6-002:013, 024,026, 038

Agricultural (A-5a):

(3) 5-7-003:013

Agricultural (A-20a):

(3) 5-2-001:016

Light Industrial (ML-20):

(3) 7-5-005:083

Resort- Hotel (V-.75):

(3) 7-5-018:020

4. **Special Management Area (SMA):** The subject properties are all located within the Special Management Area (SMA). In addition, due to the nature of the request, the proposed rescue tubes need to be installed near the shoreline within the shoreline setback area.

Compliance with Objectives and Policies of Chapter 205A, Hawai'i 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 Hawai'i 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 \$2,550 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated September 16, 2013 states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated August 30, 2013 and have no comments or objections to the request."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 13-000284** is hereby approved for the installation of rescue tube device(s) and appurtenant mounting support and signage on the subject beach park properties. This approval is subject to the applicant's compliance with the conditions of approval as specified below.

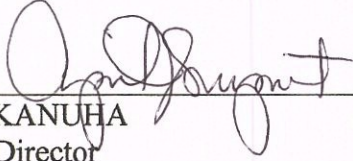
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 13-000284** 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. Within one (1) year from the date of approval of this permit, 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 on the following parcels: (3) 3-6-002:013, 024,026, 038; (3) 5-2-001:016; (3) 5-7-003:013; (3) 8-6-013:020-025, 028-031,046-048..
4. If possible, we ask that installation not occur within 20' of the shoreline, or high water mark. In addition, installation shall not occur seaward of the shoreline location without the approval of the Department of Land and Natural Resources Office of Conservation and Coastal Lands.
5. The installation of rescue tube device(s) and appurtenant mounting support and signage shall be completed within two (2) years from the date of approval of this permit.
6. The location of the rescue tubes shall be noted on a site plan and submitted to our department, for our files, as soon as possible after the installation.
7. 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).
8. 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:


DUANE KANUHA
Planning Director

Date

9-17-13