

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. 14-000308

Project: Removal of Seven (7) Unpermitted Improvements and After-The-Fact Approval for Sixteen (16) As-Built Improvements
Applicant: Queen Lili'uokalani Trust
LeeAnn Crabbe, Vice President
Landowner: Queen Lili'uokalani Trust
Location: Keahuolū, North Kona, Hawai'i
TMK: (3) 7-4-008:002 **Land Area:** 865.799 acres

Applicant's Request

1. Project Description:

The proposed project requests the removal of seven (7) unpermitted improvements and approval of sixteen (16) as-built and previously unpermitted improvements on the subject property, which are generally related to or in support of the camping activities conducted on the property. Three of the requested as-built improvements, consisting of two BBQs and part of an access road, are within the 40' shoreline setback area.

2. Purpose of Project:

The improvements are in support of the camping activities hosted by the Queen Lili'uokalani Trust (QLT) on their property.

3. Project Valuation: \$461,985

State and County Plans

- 1. State Land Use District:** The parcel is located in the State Land Use Conservation and Agricultural Districts.
- 2. General Plan:** The parcel is designated Open and Urban Expansion by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The parcel is zoned Open and Agricultural (A-5A) by the County.
- 4. Special Management Area:** The subject property is located entirely within the SMA with shoreline frontage along the parcel.
- 5. Flood Zone:** AE, VE and X

Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes

Checked boxes below indicate that the objectives and policies are found to be consistent with the proposed development. Issuance of a SMA Minor Permit requires that the activities, uses, or operations 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.

Improvements for “*private recreational uses involving no aboveground structure except dressing rooms and comfort stations*” and uses accessory to this are allowed in Open zoning and are therefore consistent with the Hawai‘i County General Plan and Zoning Code.

The proposed is also consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of \$461,985 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated August 12, 2014, 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 Zones “AE, VE and X” according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

Chapter 27 of Hawai‘i County Code does not regulate the demolition of the (7) unpermitted improvements some of which are likely located in a Special Flood Hazard Area. The comfort station in Campsite 2 is located in Zone X, and therefore not subject to regulation under Chapter 27. Several of the other “unpermitted” improvements proposed to be retained are likely within a Special Flood Hazard Area. However, they are not subject to regulation under Chapter 27.

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

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 14-000308** is hereby approved for the removal of seven (7) unpermitted improvements and approval of fifteen (15) as-built and previously unpermitted improvements on the subject property, as presented in Special Management Area Use Permit Assessment Application No. 14-1157 (SAA 14-1157), subject to the applicant's compliance with the conditions of approval as specified below. Improvement No. B6 (cesspool for comfort station) is not approved. As such, Improvement No. B5 (M/F comfort station) shall be closed until an appropriate wastewater system can be installed to service it. Portable toilets may be brought in and located near the existing comfort station per the conditions below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 14-000308**, 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 construction barrier for dust and runoff mitigation shall be installed around the concrete parking lot (Item No. A5), the concrete stairs with rails (Item No. A4) and the concrete ramp with rails (Item No. A3) prior to and throughout their demolition. The construction barrier shall be on or mauka of the 40' shoreline setback line.
4. Demolition debris shall be removed from the site and disposed of at a location approved by the Hawai'i County Department of Environmental Management, Solid Waste Division.
5. All artificial lighting from exterior lighting fixtures, including but not limited to floodlights, uplights or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates, or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to Section 205A-71(b), Hawai'i Revised Statutes.
6. The guidelines set forth in the document "Archaeological Monitoring Plan for the Removal of Shoreline Improvements at the Queen Lili'uokalani Trust Campgrounds in Keahuolū, North Kona District, Island of Hawai'i", as accepted and approved by the State Historic Preservation Division (letter dated April 2, 2014), shall be followed as substantially presented.
7. As of the date of this permit, Improvement No. B6 (cesspool for comfort station) shall no longer be used for wastewater disposal. Written confirmation of its closure, which is to include capping of the intake, shall be submitted to the Planning Department within 60 days of the date of this permit.

8. As of the date of this permit, Improvement No. B5 (M/F comfort station) shall be closed until an appropriate wastewater disposal system, as approved by the Department of Health, can be installed. The applicant shall submit an SMA Assessment Application for installation of a new wastewater system to service the comfort station.
9. Portable toilets may be brought in to service the needs of the users of Campsite #2 until such time that the comfort station can be re-opened. Portable toilets shall be located in the general vicinity of Improvement No. B5, shall be clearly outside of the 40' shoreline setback area, and shall be properly secured.
10. A public access plan and public access agreement, meeting with the approval of the Planning Director, shall be submitted for recordation with the Bureau of Conveyances within one year of the date of this permit. At a minimum, lateral public access shall be provided along the shoreline connecting to accesses on TMK (3) 7-4-008:071 (Honokōhau) to the north and TMK (3) 7-5-005:007 (Old Airport) to the south. The access shall be reasonably safe, as determined by the Planning Department, and may be located within the 40' shoreline setback area. The public access plan shall address each of the elements outlined in the "What should be included in a Public Access Plan" guide which is enclosed for your reference.
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. 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 p to one additional year).
13. 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 Lucas Mead of this department at 961-8140.

APPROVED:

A handwritten signature in black ink, appearing to read 'Duane Kanuha', written over a horizontal line.

DUANE KANUHA
Planning Director

AUG 18 2014

Date