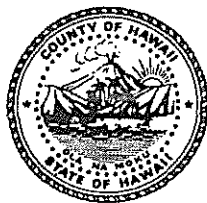


Harry Kim
Mayor



County of Hawaii

PLANNING COMMISSION

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NOV 28 2001

Mr. Jon Sasaki, Planner
DLNR, Division of State Parks
1151 Punchbowl Street, Room 310
Honolulu, HI 96813

Dear Mr. Sasaki:

Special Management Area Use Permit Application (SMA 01-006)

Applicant: Department of Land and Natural Resources, Division of State Parks

Request: Demolish Existing Pavilion and Construct New Pavilion/Restroom

Facility with Septic Tank and Leach Fields, Demolish and Remove

Restroom/Tool Shed, Replace Shower Facility and Construct ADA Parking

Tax Map Key: 8-2-4:9

The Planning Commission at its duly held public hearing on October 29, 2001, voted to approve the above-referenced application. Special Management Area (SMA) Use Permit No. 418 is hereby issued to demolish an existing pavilion and construct new pavilion/restroom facility with septic tank and leach fields, demolish and remove restroom/tool shed, replace shower facility and construct ADA parking and related improvements. The property is located within the Kealahou Bay State Historical Park at Napoopoo, Kealahou, South Kona, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205A, Hawaii Revised Statutes (HRS), and Rule No. 9 relating to Special Management Area Rules and Regulations of the County of Hawaii is to preserve, protect, and where possible, to restore the natural resources of the coastal zone areas. Therefore, special controls on development within an area along the shoreline are necessary to avoid permanent loss of valuable resources and the foreclosure of management options.

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The Department of Land and Natural Resources proposes to improve the Kealakekua Bay State Historical Park by replacing the restrooms with a pavilion/restroom facility, replacing the shower, constructing two ADA parking stalls, and installing a wastewater treatment system consisting of a septic tank and leaching beds.

The proposed development will not have any substantial 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 interests. The existing 3.24-acre park provides recreation space for picnickers and swimmers and is adjacent to the Hikiau Heiau and Kealakekua Bay. The applicant proposes the following improvements:

- Demolish the existing pavilion and construct a new pavilion/restroom facility with septic tank and leach fields.
- Demolish and remove the nonfunctional restroom/tool shed.
- Replace the shower.
- Construct two ADA parking stalls.

The improvements will be funded solely by the State of Hawaii at a cost of \$468,409.00.

Due to the developed nature of the project site, the proposed improvements are not anticipated to have any substantial adverse environmental or ecological effects. The project site is located at the makai end of Napoopoo Road, next to the Hikiau Heiau and across the road from Kealakekua Bay. The Flood Insurance Rate Map (FIRM) indicates that a portion of the property is located in Zone "AE" or flood zones where base flood elevations are determined. However, the majority of the parcel is designated as Zone X, areas outside the 500-year flood plain. While there are no indications of surface water flow on-site, the applicant will abide by all applicable County guidelines for run-off generated by the improvements. Therefore, the proposed improvements are not anticipated to have adverse environmental or ecological effects.

The proposed development is consistent with the objectives and policies, and Special Management Area guidelines as provided by Chapter 205A, HRS, and Rule No. 9 of the Planning Commission Rules of Practice and Procedure. The guidelines were established to provide guidance for the preservation, protection and development of coastal resources of the State and County. They identify several areas of management concerns including recreational, historic, scenic and open space resources, coastal ecosystems, economic use, coastal hazards, beach protection and marine resources.

Activities associated with the proposed development are not anticipated to have any substantial adverse impacts on coastal ecosystems, marine resources or public access to and along the shoreline. The improvements will relocate the restrooms away from the Hikiau Heiau, and keep active recreational areas away from the shoreline. Compliance with existing governmental regulations to control runoff, drainage and erosion would mitigate any adverse impact to the area's environment or the ecology of the area's coastal waters. The applicant has started to comply with the Department of Health requirements concerning the proposed septic tank system. The use of this system will eliminate the possibility of raw sewage leaching into coastal waters.

Although the project will be constructed in an area which is subject to tsunami inundation, high surf or flooding, the proposed park improvements will not intensify coastal hazards at the site. Further, the property is not affected by any beach erosion. With these precautionary measures in place, the proposed development is not anticipated to have any substantial adverse effects on the coastal resources or environment.

Given the existing park use, it is unlikely that any threatened species of plant or animals are present on the project site. No archaeological features are known to exist on the property. However, a qualified archaeologist will monitor construction activities. The relocation of the restroom facility away from Hikiau Heiau would only further enhance the visibility of this historic site. It is not expected that construction activities will affect Hikiau Heiau. Subsurface disturbances and monitoring of construction activities by an archaeologist will be required as a condition of approval and will ensure appropriate measures are taken to prevent any impact to the heiau. This approval recommendation is also conditioned upon notification of the Planning Department and appropriate actions taken should any unidentified sites or remains be found before or during construction activities. According to the Planning Department's file, there is no designated public access to the mountain areas or to the shoreline over the subject property. The project would not interfere with any recreational resources or natural shoreline processes, nor impact view planes to the coastal area. No public view planes of the improvements will be affected. The one-story pavilion/restroom facility will not intensify the visual or structural impact of the area since it will replace an existing structure. The applicant also intends to have the appearance of the facility "blend in" with the rural style of the surrounding structures. The height of the facility will not

exceed that of the surrounding homes. Thus, scenic and open space reserves will be minimally affected by the pavilion/restroom facility and related improvements since the renovated section of the park will mostly not be visible from the existing road.

The principle source of both short-term air and noise quality impacts associated with the proposed improvements is expected during construction. These impacts can be mitigated through the utilization of best management practices. Given the limited nature of the improvements, no significant long-term air and noise quality impacts are anticipated to have any substantial adverse effects on the coastal resources or environment. Water is available to the subject property. As a County road services the project site, a permit shall be obtained for any work within the County right-of-way. A condition of approval will be included for the applicant to address this concern.

The proposed new pavilion/restroom facility would promote public health and safety by providing adequate and accessible sanitary facilities for park and recreational users. The proposed ADA parking area on-site would also benefit park users and enhance public health and safety.

There will be an increase in noise levels and dust during construction activities. However, these temporary, short-term impacts generated during the construction phase can be mitigated by existing construction regulations. Therefore, impacts to the physical environment within the immediate area will be minimal.

No adverse impacts on water quality are expected to be generated by the proposed development. Any potential runoff or discharge generated by the proposed development which could reach ocean waters can be handled by on-site drainage improvements meeting with the approval of the Department of Public Works and/or Department of Health. Potential negative impacts on coastal waters during site preparation and construction can be mitigated through compliance with existing ordinances and regulations. Wastewater will be disposed of within a wastewater treatment system meeting with the approval of the Department of Health. The goals and objectives of the Special Management Area with respect to coastal, recreational, scenic and historical can be met with conditions of approval.

The proposed development is consistent with the County General Plan and Zoning Code. The proposed project conforms to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which designates this area as Open. This type of designation includes uses for recreational purposes. The proposed development would complement the following goals and policies of the General Plan:

Recreation

- Provide a wide variety of recreational opportunities for the residents and visitors of the County.
- Maintain the natural beauty of recreation areas.
- Provide a diversity of environments for active and passive pursuits.
- The County of Hawaii shall improve existing public facilities for optimum usage.
- Recreational facilities in the County shall reflect the natural, historic, and cultural character of the area.
- The use of land adjoining recreation areas shall be compatible with community values, physical resources and recreation potential.
- Public access to the shoreline shall be provided in accordance with an adopted program of the County of Hawaii.

Public Facilities:

- Encourage the provision of public facilities that effectively service community needs and seek ways of improving public service through better and more functional facilities which are in keeping with the environmental and aesthetic concerns of the community.

Natural Resources and Shoreline

- Provide opportunities for the public to fulfill recreational, economic, and educational needs without despoiling or endangering natural resources.
- Protect and promote the prudent use of Hawaii's unique, fragile, and significant environmental and natural resources.
- Protect and effectively manage Hawaii's open space, watersheds, and natural areas.

- Ensure that alterations to existing land forms and vegetation, except crops, and construction of structures cause minimum adverse effect to water resources, and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.
- The shoreline shall be protected from the encroachment of man-made improvements and structures.

Environmental Quality

- Maintain and, if feasible, improve the existing environmental quality of the island.
- The County of Hawaii shall take positive action to further maintain the quality of the environment for residents both in the present and in the future.

Public Utilities

- Improvement of existing utility services shall be encouraged to meet the needs of users.

Natural Beauty

- Protect, preserve and enhance the quality of areas endowed with natural beauty, including the quality of coastal scenic resources.
- Protect scenic vistas and view planes from becoming obstructed.
- Maximize opportunities for present and future generations to appreciate and enjoy natural and scenic beauty.

Open Space

- Provide and protect open space for the social, environmental, and economic well-being of the County of Hawaii and its residents.
- Protect designated natural areas.
- Open space in the County of Hawaii shall reflect and be in keeping with the goals, policies, and standards set forth in the other elements of the General Plan.

The subject parcel is located within the State Land Use Conservation District, which allows parks and areas for outdoor recreational uses. Uses in the Conservation District are regulated by the State Department of Land and Natural Resources.

Based on the above findings, it is determined that the proposed development will not have any substantial adverse impacts on the surrounding area, nor will its approval be contrary to the objectives and policies of Chapter 205A, HRS, relating to Coastal Zone Management and Rule No. 9 of the Planning Commission relating to the Special Management Area.

Approval of this request is subject to the following conditions. Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke the Special Management Area Use Permit.

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. Prior to construction, Final Plan Approval shall be secured in accordance with Chapter 25, Zoning Code. Plans shall identify all existing and proposed structures, proposed driveway, parking stalls, landscaping and lighting associated with the development.
3. Construction of the proposed development shall be completed within five (5) years from the effective date of this permit.
4. A solid waste management plan shall be submitted to and approved by the Department of Environmental Management prior to any park improvements.
5. The septic tank and leaching beds shall be constructed in a manner meeting with the approval of the State Department of Health.
6. A permit for work within the County right-of-way shall be secured from the Department of Public Works prior to any roadway improvements. Construction within the right-of-way shall meet the approval and requirements of the Department of Public Works.
7. All earthwork activity, including grubbing and grading, shall conform to Chapter 10 - Erosion and Sedimentation Control, of the Hawaii County Code.
8. The applicant's contractor is required to consult with a State Parks archaeologist on matters involving demolition and surface disturbance.

9. Should any remains of unidentified historic sites such as rock walls, terraces, platforms, or human burials be encountered, work in the immediate area shall cease and the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the DLNR-HPD when it finds that sufficient mitigation measures have been taken.
10. Comply with all applicable laws, rules, regulations, and requirements of affected agencies, including the Department of Public Works, Department of Water Supply, and State Department of Health for the proposed development.
11. An initial extension of time for the performance of conditions within the permit 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 General Plan, Zoning Code or the Special Management Area guidelines.
 - C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.
 - D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

Mr. Jon Sasaki, Planner
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Should you have any questions, please contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Geraldine M. Giffin, Chairman
Planning Commission

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Department – Kona
Office of Planning, CZM Program (w/Background)
Department of Land and Natural Resources
Kazu Hayashida, Director/DOT-Highways, Honolulu
Mr. Norman Hayashi
Mr. Jeffrey Darrow
Plan Approval Section
Mr. Glenn Taguchi/DLNR-Hilo