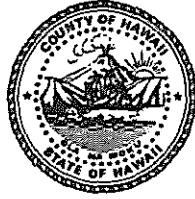


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 - Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

FEB 16 1999

Juliette M. Tulang, Director
Department of Parks & Recreation
25 Aupuni Street
Hilo, HI 96720

Dear Ms. Tulang:

Special Management Area Use Permit Application (SMA 98-8)
Applicant: Department of Parks & Recreation, County of Hawaii
Request: Construction of New Restroom Facilities & Related Improvements
Tax Map Key: 8-6-13:20-25

The Planning Commission at its duly held public hearing on February 5, 1999, voted to approve the above-referenced application. Special Management Area Use (SMA) Permit No. 392 is hereby issued to allow the construction of a new restroom facility and related improvements. The property is the site of the existing County's Hookena Beach Park at Kauhako, South Kona, Hawaii.

Approval of this request is based on the following:

The purpose of Chapter 205A, Hawaii Revised Statutes (HRS), and 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.

The development of the construction of a new restroom facility and related improvements 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 elimination of planning options. The proposed restroom facility include a septic tank and leach field, accessible pathways, selective clearing of the property of park use and conversion of the existing restroom facility to a pavilion.

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The new restroom facility will have two (2) water closets and one (1) lavatory for women and one (1) water closet, one (1) urinal and one (1) lavatory for men. The building will have CMU walls with corrugated metal roofing over light gauge steel framing. The new restroom facility will have an area of approximately 550 square feet and will include a small storage room. Two (2) outside shower heads will be provided along the southern wall of the restroom facility.

The septic system will consist of one (1) concrete circular septic tank, twenty-six (26) lineal feet of six (6) inch P.V.C. sewer line and a leaching bed with an area of approximately one thousand seven hundred (1,700) square feet. The septic tank will have a diameter of six (6) feet, depth of six (6) feet and a capacity of one thousand forty-two (1,042) gallons. The leaching bed will be excavated to a depth of approximately six (6) feet and will contain a three (3) foot bottom layer of one (1) inch minus cinder, a one (1) foot layer of one half (1/2) inch to three fourth (3/4) inch drain rock and two (2) feet of planter material topped with grass upon completion. The Flood Insurance Rate Maps (FIRM) indicate that Parcels 23 and 25 are located outside the 500-year flood plain (Zone X) and Parcels 20, 21, 22, 28 46 and 47 are located within flood plain (Zone VE-10), a coastal hazard area with a flood elevation of ten feet. There are no known rare or endangered plant life on the property. According to the applicant's Final Environmental Assessment Report, there are two endangered, threatened or candidate species that are known to be present in the area. They are the Hawaiian Hawk and a the Hawaiian Hoary Bat. The proposed project will not have any significant impact on these protected species since the project is limited in scope. There would be no adverse impact to recreational and visual resources, access to and along the shoreline nor coastal ecosystems. The proposed development would not impact the immediate adjacent properties as the subject property is surrounded by single family residences and vacant lands.

The proposed development is consistent with the objectives and policies as provided by Chapter 205A, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure. According to the applicant, the proposed project will have a septic tank and leach field which will comply with the Department of Health standards. Any potential runoff or discharge which could reach ocean waters can be handled by on-site improvements. Any impacts from soil erosion and runoff during site preparation and construction phases can be adequately mitigated through compliance with existing regulations. With these precautionary measures in place, the proposed project is not anticipated to have any substantial adverse effects on the coastal resources or environment.

The applicant's Final Environmental Assessment indicates that there is no record of historic sites on any of the subject parcels. A field inspection was conducted by the Department of Land and Natural Resources-Historic Preservation Division (DLNR-HPD) on June 23, 1998. The field inspection revealed that the property appears to have been graded. The applicant is working with DLNR-HPD to ensure that archaeological resources are not affected by the proposed project. A condition of approval has been included that if archaeological sites are encountered during the proposed action, all work shall cease in the immediate area and the site is be protected from further damage. The Department of Land and Natural Resources, State Historic Preservation Division office should be contacted immediately and allowed to conduct a

field investigation to determine site significance. If the site is determined to be significant, the establishment of buffer zones, interim protection measures and remaining archaeological data recovery may need to be completed. This will satisfy the SMA objective to "Protect, preserve and where desirable restore significant historic and cultural resources."

The proposed development is consistent with the County General Plan and Zoning Code. The proposed project does conform to the General Plan Land Use Pattern Allocation Guide (LUPAG) Map, which designates this area as Open. This type of designation refers and includes uses such as parks and historic sites. Mindful of the type of service the applicant will provide to the residents of West Hawaii, the proposed use will compliment the following goals, policies and standards of the Land Use, Recreational, Natural Resources and Shoreline Elements of the General Plan:

OPEN SPACE

- o Provide and protect open space for the social, environmental, and economic well-being of the County of Hawaii and its residents.
- o Public lands with unique recreational and natural resources shall be maintained for public use.

RECREATION

- o Provide a wide variety of recreational opportunities for the residents and visitors of the County.
- o Maintain the natural beauty of recreation areas.
- o The County of Hawaii shall improve existing public facilities for optimum usage.

NATURAL RESOURCES AND SHORELINE

- o Provide opportunities for the public to fulfill recreational, economic, and educational needs without despoiling or endangering natural resources.
- o Protect and promote the prudent use of Hawaii's unique, fragile, and significant environmental 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 Major Use Permit.

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The effective date of the Special Management Area Use Permit shall be the effective date of approval of the Conservation District Use Permit (CDUP) Application.
3. Consolidation and construction of the proposed development shall be completed within five (5) years from the effective date of this permit. Prior to commencing construction, Final Plan Approval for the proposed restroom and related improvements shall be secured from the Planning Department. Plans shall identify proposed structures, driveway access and parking stalls in compliance with the Zoning Code associated with the proposed use.
4. Wastewater disposal system will meet with requirements of the Department of Health.
5. Should any improvements be proposed within the designated flood zone area, a flood study shall be submitted to Department of Public Works in compliance with Federal Emergency Management Agency (FEMA) regulations.
6. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, walls, lava tube or cave systems 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 mitigative measures have been taken.
7. 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 applicants, 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 or Zoning Code.
 - 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.

Juliette M. Tulang, Director
Department of Parks & Recreation
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Should you have any questions, please feel free to contact Alice Kawaha of the Planning Department at 961-8288 or Royden Yamasato of the Planning Department West Hawaii Office at 327-3510.

Sincerely,



Leonard Tanaka, Chairman
Planning Commission

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
Office of Planning, CZM Program (w/Background)
Department of Land and Natural Resources
Kazu Hayashida, Director/DOT-Highways, Honolulu
Mr. Norman Hayashi