

COUNTY OF HAWAI‘I PLANNING DEPARTMENT
RECOMMENDATION

COUNTY OF HAWAII DEPARTMENT OF PARKS AND RECREATION
SPECIAL MANAGEMENT AREA USE PERMIT APPLICATION
(PL-SMA-2024-000064)

Upon careful review of the applicant's request against the guidelines for granting of a Special Management Area Use Permit, the Planning Director recommends **that this request to to develop a master plan for Pāpa‘aloa Park to address the current and long-term needs of the community on two (2) parcels totaling 11.794 acres within the Special Management Area be approved by the Windward Planning Commission.** Since this recommendation is made without the benefit of public testimony, the Director reserves the right to modify and/or alter this recommendation based upon additional information presented at the public hearing. This approval recommendation is based on the following:

The applicant, the County of Hawai‘i Department of Parks and Recreation, is requesting approval for the *Pāpa‘aloa Park Master Plan and Phase I Development*. The proposed project aims to address the long-term recreational needs of the Pāpa‘aloa community by replacing the demolished gymnasium with a new covered play court facility. The development also includes the construction of various park-related amenities such as a community center, a skate park, a playground, picnic pavilions, a perimeter walking path, and improvements to the existing infrastructure. These improvements will ensure that the park continues to serve the recreational and social needs of the community while upgrading facilities to comply with modern standards, such as ADA accessibility.

Phase I of the project will focus on TMK (3) 3-5-003:088, which covers about 4.963 acres, and may involve the demolition of plantation-era structures on adjacent parcels if funding allows. The project includes both on-site and off-site utility upgrades and modifications to ensure seamless integration between new and existing features of the park. On-site utility improvements will include upgrading the current water supply system by connecting to the existing 8-inch water main along Old Māmalahoa Highway. There will be modifications to the existing individual wastewater system (IWS) to manage increased wastewater loads from new facilities, such as the covered play court.

The construction of a new septic tank and leach field is planned for additional wastewater capacity. On-site electrical systems will be upgraded to power the new facilities, and provisions will be made for lighting the park, including LED lighting for security and safety during nighttime use. Off-site utility improvements will focus on ensuring adequate water supply and managing stormwater runoff. Upgrades to dry wells are planned to handle stormwater, along with the construction of new dry wells to mitigate any additional stormwater generated by the development. The park will also require utility upgrades for data, fiber, and communication services to meet modern standards and support administrative operations and park facilities. The objectives of this development are to enhance recreational opportunities, maintain the park's role as a community hub, and connect park features in a way that facilitates their functional and physical use

The grounds for approving development within the Special Management Area are based on HRS, Chapter 205A-26(2) (Special Management Area guidelines) and Rule 9-11(e) of the Planning Commission Rules of Practice and Procedure. Planning Commission Rule 9-11(e) states that the Authority (Planning Commission) may permit the proposed development only upon finding that:

1. The development will not have any substantial adverse environmental or ecological effect except as such adverse effect is minimized to the extent practicable and is clearly outweighed by public health, safety or compelling public interest;
2. The development is consistent with the objectives and policies and the Special Management Area guidelines as provided by Chapter 205A, HRS;
3. The development is consistent with the General Plan, Community Plan, Zoning Code and other applicable ordinances;
4. The development will, to the extent feasible, reasonably protect native Hawaiian rights if they are found to exist, including specific factual findings regarding:
 - a. The identity and scope of valued cultural historical or natural resources in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area;

- b. The extent to which those resources including traditional and customary native Hawaiian rights, will be affected or impaired by the proposed action; and
- c. The feasible action, if any, to be taken by the Authority to reasonably protect any valued cultural, historical or natural resources including any existing traditional and customary native Hawai'i rights.

In review of the SMA guidelines as listed under HRS 205A-26(2)(A), 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 interest. Under the guidelines of HRS 205A-26(2)(A) for Special Management Area (SMA) use, the proposed Pāpa'aloa Park development will not have any substantial adverse environmental or ecological effects, as mitigation measures are integrated into the project to minimize any potential impacts. The development is planned on an existing park site, where much of the area is already developed or previously disturbed, thus limiting new ecological disturbances. For example, sensitive flora and fauna are not significantly present in the project area, as documented in the Natural Resources Assessment, which identified mostly non-native and common species. To further mitigate any potential ecological effects, the construction will comply with erosion and sediment control regulations, ensuring that stormwater runoff is managed properly through dry wells and adherence to National Pollutant Discharge Elimination System (NPDES) permit requirements.

Additionally, the proposed project incorporates design strategies to minimize any potential impacts on wildlife, such as shielding outdoor lighting to avoid disorienting nocturnal seabirds and timing vegetation clearing to avoid the pupping season of the Hawaiian hoary bat. The upgrades to the park's water, wastewater, and drainage systems will ensure that public health and safety are safeguarded, while also preventing any potential pollution or degradation of nearby coastal waters. Overall, the public benefits of the park, including enhanced recreational facilities and community amenities, clearly outweigh any minimal adverse effects, which are being managed through best practices

and mitigation strategies.

In reviewing the proposed development against the factors that may constitute a substantial adverse effect as listed under Planning Commission Rule 9-10 (H) (1-10), it has been determined that the proposed project will not have a significant adverse environmental or ecological effect upon the Special Management Area. This determination is based on the following:

In review of the SMA guidelines as listed under HRS 205A-26, the proposed development is consistent with the objectives and policies as provided by Chapter 205A-26, HRS, and Special Management Area guidelines contained in Rule No. 9 of the Planning Commission Rules of Practice and Procedure.

The purpose of Chapter 205A-26, Hawai‘i Revised Statutes (HRS) and Rule 9 of the Planning Commission Rules of Practice and Procedure, 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 objectives and policies of Chapter 205A-26, HRS and Rule 9-10(h) include, but are not limited to, the protection of coastal recreational resources, historic resources, scenic and open space resources, coastal ecosystems, marine resources, beaches, and controlling development in coastal hazard areas.

The proposed Pāpa‘aloa Park Master Plan development aligns with the objectives and policies set forth in Chapter 205A-26 of the Hawai‘i Revised Statutes (HRS) and the Special Management Area (SMA) guidelines, as outlined in Rule No. 9 of the County of Hawai‘i Planning Commission Rules of Practice and Procedure. The objectives of Chapter 205A emphasize preserving, protecting, and enhancing the coastal and natural environments, promoting public access and recreational opportunities, and supporting the development of public infrastructure that serves the community.

The development plan is consistent with these objectives as it focuses on upgrading existing recreational facilities within an already developed park site, minimizing impacts to undisturbed coastal and natural areas. Specifically, no new shoreline structures are proposed, and the project is set back from the coastline by over

230 feet, with substantial vegetation acting as a natural buffer to prevent erosion or runoff from affecting coastal ecosystems. Moreover, improvements to stormwater management, including the use of dry wells and erosion controls, further ensure that the coastal environment is protected from adverse effects.

The project also supports public access and recreational objectives by providing enhanced amenities, such as a new covered play court, walking paths, and playgrounds, which improve the quality of life for local residents while preserving the area's natural and scenic values. These improvements reflect the policies under Rule No. 9, which call for developments that are in harmony with the coastal environment and promote the sustainable use of natural resources. Public input has been incorporated throughout the planning process, ensuring that the development serves community needs while adhering to environmental standards. Thus, the project complies with both HRS Chapter 205A and the County of Hawai'i SMA guidelines by balancing environmental preservation with public health, safety, and community benefits.

Public Participation: The applicant has undertaken significant public outreach and community engagement efforts to involve local residents and stakeholders in the planning and environmental review process. Public participation began with a series of community meetings held in late 2023 to gather feedback on proposed developments. The first community meeting took place on November 16, 2023, at the Laupāhoehoe Community Public Charter School. During this meeting, attendees were invited to learn about the park's master plan, provide input on proposed developments, and participate in discussions regarding the potential location of new facilities, including the covered play court.

In addition to public meetings, the applicant ensured that public notices about the project were widely distributed. A public notice was published in the February 2024 edition of *Ka Wai Ola*, a publication of the Office of Hawaiian Affairs (OHA), encouraging public input on the project. Moreover, consultation packets containing maps, project descriptions, and proposed plans were provided to key stakeholders and residents identified as having historical knowledge of the area.

Despite outreach efforts, the initial response was limited, with few formal

comments received during the early stages. Nonetheless, feedback collected through interviews and public meetings, including suggestions for facilities like picnic pavilions and playgrounds, was incorporated into the project's design. Continued outreach through public comment periods during the Draft Environmental Assessment (EA) ensured that community voices were considered throughout the project development process.

The proposed Pāpa'aloa Park Master Plan project does not anticipate any significant secondary or cumulative impacts. The development focuses on enhancing existing recreational facilities within an already developed park area, which minimizes the potential for new environmental disturbances. The Final Environmental Assessment (FEA) and Finding of No Significant Impact (FONSI) documents have determined that the project's impacts on air quality, traffic, noise, and stormwater management are minimal and can be mitigated through best management practices during construction and operation.

While the project may lead to increased use of the park, particularly with the addition of new facilities such as the covered play court and walking paths, these effects are considered manageable and part of the anticipated public benefit. Any cumulative impacts, such as increased traffic or noise, are offset by the social and recreational benefits the project will provide for the community, including improved public health and well-being through enhanced recreational opportunities.

The proposed development is consistent with the County General Plan, Hāmākua Community Development Plan (HCDP), Zoning Code and other applicable ordinances.

The General Plan Land Use Pattern Allocation Guide (LUPAG) for the County of Hawai'i is a policy document expressing the broad goals and policies for the long-range development of the Island of Hawai'i. The plan was adopted by ordinance in 1989 and revised in 2005; the map designation for the subject property as both Important Agriculture Lands (ial) which allows for "*lands with better potential for sustained high agricultural yields because of soil type, climate, topography, or other factors*", and Open (ope), which allows for "*Parks and other recreational areas, historic sites, and open shoreline areas*". The proposed development for the Pāpa'aloa Park Master Plan is

consistent with the County of Hawai‘i General Plan 2005, the Hāmākua Community Development Plan (HCDP), and the Hawai‘i County Zoning Code, Chapter 25, as well as other applicable ordinances.

County of Hawai‘i General Plan: The Pāpa‘aloha Park Master Plan aligns with the County of Hawai‘i General Plan 2005 by addressing key goals and policies that promote recreation, open space preservation, and community well-being.

Recreation (Section 12.2 and 12.3): The General Plan emphasizes providing a wide variety of recreational opportunities, improving existing public facilities, and ensuring that parks reflect the natural, historic, and cultural character of the area. The proposed development directly supports these goals by enhancing the park’s recreational infrastructure with new facilities such as a covered play court, skate park, playground, and picnic pavilions. Additionally, the project aims to meet the community’s long-term recreational needs while preserving the park's existing open spaces.

Open Space and Public Access (Section 12.3(l)): The plan encourages the development and maintenance of public access to recreational and scenic areas. Pāpa‘aloha Park, as a public space, aligns with this policy by enhancing accessibility to recreational opportunities for the community and maintaining a space that encourages outdoor activities, such as walking trails and other passive recreational pursuits.

Cultural and Historic Preservation (Section 12.3(c)): The General Plan supports the preservation of natural, historic, and cultural resources in park areas. The project aligns with this by incorporating measures to respect and integrate the historical significance of the park site, including preserving elements from its plantation-era past and ensuring that new developments are designed to blend with the park’s natural surroundings.

Infrastructure and Services (Section 13.2): The General Plan promotes the development of adequate infrastructure to support public facilities. The Pāpa‘aloha Park project plans to upgrade water, wastewater, and drainage systems to meet modern standards, ensuring that the park remains functional, safe, and sustainable for public use.

Hāmākua Community Development Plan (HCDP): The HCDP encourages the development and improvement of underutilized public properties, such as parks, to better

serve community needs. The proposed project aligns with the following key areas within the HCDP:

Policy 102 - Recreation Improvements: The HCDP calls for specific recreation improvements, including hazardous materials abatement at the old Pāpa‘aloha Gym, which was demolished due to unsalvageable conditions. The park’s master plan directly responds to this by replacing the demolished gym with a new covered play court, addressing both the structural deficiencies and the community's need for a new recreational facility.

Policy 129 - Utilization of Public Spaces: The HCDP emphasizes the development and improvement of underutilized public lands to serve as community gathering places, parks, and other public amenities. The Pāpa‘aloha Park project enhances an existing public space by adding new recreational facilities, including a skate park, playground, and walking paths, transforming the park into a central hub for community activities in the Laupāhoehoe-Pāpa‘aloha area.

Cultural Preservation: The HCDP also encourages the preservation of cultural and historical resources in public development projects. The park’s master plan respects the historical significance of the site, ensuring that elements from its plantation-era history are considered in the design and that the park remains an area where cultural identity and community values are preserved.

Community Involvement: The HCDP stresses the importance of public participation in the planning process. The Pāpa‘aloha Park project has involved significant public outreach, including community meetings and consultations, to ensure that the development reflects the needs and preferences of local residents, aligning with the HCDP’s goals of fostering community-driven development.

Hawai‘i County Zoning Code, Chapter 25: The park is located within an Agricultural District (A-1a) and General Industrial District (MG-1a), where public uses such as recreational parks are permitted. The proposed development will not require rezoning but will require plan approval under the zoning code. The height and setback requirements for the park’s new structures comply with zoning regulations, and the use of the land as a public park is consistent with the zoning district’s guidelines. In summary,

the Pāpaʻaloha Park Master Plan aligns with the General Plan, HCDP, zoning code, and other applicable ordinances by enhancing public recreation facilities, supporting community needs, and adhering to land use and environmental guidelines

The development will to the extent feasible, reasonably protect native Hawaiian rights if they are found to exist. In view of the Hawaiʻi State Supreme Court’s “PASH” and “*Ka Paʻakai O KaʻAina*” decisions, the issue relative to native Hawaiian rights, such as gathering and fishing rights, must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site.

Investigation of valued resources: The applicant commissioned a Cultural Impact Assessment (CIA), which involved consulting with local cultural practitioners and residents who have historical knowledge of the area. The CIA examined traditional settlement patterns, historical land use, and moʻolelo (Hawaiian stories and oral traditions) connected to the site. The assessment also reviewed previous cultural and archaeological studies, conducted interviews with community members, and identified key cultural resources, including traditional agricultural practices, historical structures, and natural features that hold cultural significance.

Additionally, the Archaeological Inventory Survey (AIS) conducted as part of the environmental review helped identify historical sites and features that may require preservation or mitigation. These assessments were aimed at ensuring compliance with the Ka Paʻakai framework by evaluating the potential effects on traditional cultural practices and the resources that support them. The studies confirmed that no significant adverse impacts on traditional practices or valued cultural resources would result from the proposed project, especially given the site's historical transformation into a plantation and parkland.

The valuable cultural, historical, and natural resources found in the area:

Valuable resources found in the project area include:

Cultural Resources: The Pāpaʻaloha Park area holds significance for its historical association with Hawaiian settlement patterns, traditional agricultural practices, and later, the sugar plantation era. The area was historically used for taro and sweet potato

cultivation, and remnants of traditional settlement patterns were found through archaeological surveys, although no significant pre-contact features remain due to extensive land use changes during the plantation period.

Historical Resources: The project site includes elements from the plantation era, such as plantation-era buildings and foundations. These historical structures are part of the region's legacy of sugarcane cultivation under the Laupāhoehoe Sugar Company. While many of these structures are dilapidated, the CIA documented their historical importance, and efforts were made to preserve elements of this history where feasible.

Natural Resources: The project area includes lush vegetation, much of which is non-native due to the transformation of the land for agricultural purposes. However, native plant species such as hala and milo trees are present. Additionally, while the park is located near the coastline, it is set back from the shoreline, and no direct shoreline access is present. The natural cliffside buffer protects coastal resources from any significant impact.

Possible adverse effects or impairment of valued resources: Native vegetation may be destroyed by ground alteration, however, there is no evidence that the flora in the project area is particularly desired or used for cultural practices. Archaeological remains could inadvertently be uncovered during construction activities; however, the parcel has been impacted by past grading and grubbing under sugar cane cultivation and as such, none are expected to be found. However, a condition of approval will require that if any inadvertent discoveries are made, work will cease and the appropriate agency will be contacted for review.

Lastly, there may be common short-term impacts (i.e., noise, dust) from the construction activities for the development as well as the new proposed structures, however best management practices will be in place to mitigate these short-term impacts which will cease at the completion of the project.

Feasible actions to protect native Hawaiian rights: The proposed development will not restrict access to, and the use of natural resources in this area. A condition of approval has also been added to protect any unidentified cultural, historical, and natural resources in the event any are encountered during construction. The park's improvements

include creating pathways and infrastructure that do not inhibit access to traditional sites or resources. Additionally, in the landscaping plans, native plant species will be incorporated where practicable. This promotes ecological balance while honoring the land's natural heritage. Additionally, best management practices are planned to minimize soil movement and prevent the spread of invasive species, which would help protect the local environment

Lastly, this approval is made with the understanding that the Applicant remains responsible for complying with all other applicable government requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with Fire Code, installation of improvements required by the American with Disabilities Act (ADA), among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the above findings, the proposed development will not have substantial adverse impacts on the environment, 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:

1. The applicant(s), its successor(s), or assign(s) (applicant) 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. Development of the Pāpa'aloa Park Development project shall be conducted in a manner that is substantially representative of plans and details as contained within the SMA Permit application dated August 2024, and representations made to the Windward Planning Commission.

4. Prior to the construction of each Phase, the applicant(s), successor(s) or assign(s) shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai‘i County Code. Plans shall identify all existing and/or proposed structure(s), paved driveway access and parking stalls associated with the proposed development. Landscaping shall be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department’s Rule No. 17 (Landscaping Requirements) and Chapter 25 (Zoning Code), Hawai‘i County Code.
5. Any proposed structures, excluding walkways and safety fencing, shall be setback at least 60 feet from the top of pali unless a shoreline survey is submitted at the time of Plan Approval, in which case they shall be setback at least 40 feet from the top of pali.
6. A National Pollutant Discharge Elimination System (NPDES) permit and an Underground Injection Control (UIC) permit, if required, shall be secured from the State Department of Health prior to the commencement of construction activities.
7. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, up-lights 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.
8. The applicant shall comply with Chapter 27 - Flood Control, of the Hawai‘i County Code.
9. All earthwork and grading shall conform to Chapter 10, Erosion and Sedimentation Control of the Hawai‘i County Code.
10. All development generated runoff shall be disposed of on site and shall not be directed toward any adjacent properties.
11. The method of sewage disposal shall meet the requirements of the Department of Health.
12. The Applicant shall ensure that excessive siltation and turbidity of stream and ocean waters are contained or otherwise minimized through the use of silt containment devices or barriers, or other approved Best Management Practices as approved by the Planning Director.

13. During construction, measures shall be taken to minimize the potential of both fugitive dust and runoff sedimentation. Such measures shall be in compliance with construction industry standards and practices utilized during construction projects of the State of Hawai‘i.
14. Prior to the issuance of a water commitment by the Department of Water Supply (DWS), the applicant(s) shall submit the anticipated maximum daily water usage calculations as prepared by a professional engineer licensed in the State of Hawai‘i to the DWS. A water commitment deposit shall be paid to the DWS within 180 days from the effective date of this ordinance in accordance with Rule 5 of the Department of Water Supply’s Rules and Regulations. The applicant is responsible for maintaining valid water commitments to support the proposed use until such time that required water facilities charges are paid in full.
15. The applicant shall construct necessary water system improvements as required by the Department of Water Supply.
16. The Applicant shall adhere to any recommendations or requirements related to the protection and preservation of historic resources made by the State Historic Preservation Division when SHPD Chapter 6E review is completed.
17. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the demolition and/or construction work, the applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.
18. An initial extension of time for the performance of conditions within this 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 or Zoning Code.
 - C. Granting of the time extension would not be contrary to the original reasons for the granting of this 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).
 - E. If the applicant should require an additional extension of time, the Planning Department shall submit the applicant's request to the Planning Commission for appropriate action.
19. 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 permit.