

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR)	
SPECIAL MANAGEMENT AREA)	SMA USE PERMIT
USE PERMIT)	NO. <u>144</u>
by)	
MAUNA LANI RESORTS, INC)	
for)	
CONSTRUCTION OF A WASTEWATER)	
TREATMENT FACILITY AND)	
RELATED IMPROVEMENTS)	
in)	
WAIKOLOA, SOUTH KOHALA)	
HAWAII)	
)	

SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on September 30, 1980 and October 15, 1980, considered the application of MAUNA LANI RESORTS, INC., for a Special Management Area Use Permit in accordance with Rule No. 9 of the Planning Commission, Rules and Regulations Relating to Environmental Shoreline Protection to allow the construction of a wastewater treatment facility and related improvements at Waikoloa, South Kohala, Hawaii, Tax Map Key 6-8-01:Portion of 22.

The Commission has found the following:

That the proposed development is not anticipated to have any substantial adverse environmental or ecological effects. The purpose of the requests is to allow the construction of a 2.1 MGD secondary wastewater treatment facility and related improvements. This SMA Use Permit and Special Permit request involves an area of approximately 14.5 acres. The first increment will utilize two aerated lagoons, each measuring about 338' x 338', having a treatment capacity of 0.76 MGD.

No adverse impacts on coastal ecosystems or air and water quality are expected to be generated by the proposed development. The nature of the proposed development is such that no unusual air emissions are likely to be produced from it. Air emissions generated during the construction phase can be mitigated by existing regulations. Water quality impacts will be minimal because the lagoons will have impermeable liners to prevent seepage. Furthermore, the treated effluent will be reused to irrigate the golf course in the resort area.

The nature and siting of the proposed wastewater treatment facility will have only minimal impact on the aesthetic environment of the area. The lagoons will be situated a considerable distance from any existing dwellings or planned resort area. More specifically, the lagoons will be located 5,200 feet from the nearest proposed resort use, 1,600 feet from

the nearest property line, and 6,600 feet from the nearest residential area (Puako). The petitioners have also stipulated that of all types of wastewater treatment systems, the aerated lagoon system is one of the least likely to result in odors and is also one of the more visually pleasing types. With the reasons cited above, it has also been determined that the proposed use will not adversely affect surrounding property.

The area is not known to contain any unique ecological systems, nor provide habitats for any endangered plant or animal species. It also does not contain any known archaeological or historical features. In addition, the proposed project will not have any adverse impacts on public access along the shoreline since the area is quite a distance from the shoreline.

That the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The purpose of the Land Use Law and Regulations is to protect, preserve, and encourage the development of lands in the State for the public health and welfare of the people of the State of Hawaii. The area under consideration is classified as Agricultural by the State Land Use Commission. The Agricultural District not only includes lands with a high capacity or potential for agricultural uses, but also lands which are surrounded by or contiguous to agricultural lands and which are not suited to agricultural and ancillary activities by reason of topography, soils, and other related characteristics. The subject area's dominant soil type is Kamakoa very fine sandy loam. The Soil Conservation Service rates the agricultural suitability of this soil as Class III which indicates severe limitations that reduce the choice of plants, require special conservation practices, or both. In addition the Land Study Bureau's master productivity rating for the area is E, the lowest of their scale. Although it is possible that some agricultural activities may be conducted on the subject property, it is determined that approval of this request would not be contrary to the objectives of the State Land Use Law and Regulations given the low agricultural potential for the subject area and the above cited criterion for determining the Agricultural District.

That although the proposed use will somewhat alter the essential character of the land, it is determined that such a change may make the highest and best use of the land involved for the public welfare at the present time. At present, the subject property is not used for agriculture and is vacant of any structure. Although the proposed uses will undeniably alter the existing character of the property to some degree, it is determined that the provision of a sewage treatment facility at this particular location will be beneficial and well suited to accommodate the welfare of the public. As stated previously, the proposed aerated lagoon system provides a satisfactory level of treatment, is least likely to result in odors, and is one of the most visually pleasing types available.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the construction of a wastewater treatment facility and related improvements at Waikoloa, South Kohala, Hawaii, pursuant to Chapter 205A, Hawaii Revised Statutes and Rule No. 9 of the Planning Commission.

Approval of the Special Management Area Use Permit is subject to the following conditions:

1. That plans for the proposed facility be submitted and final plan approval secured within one (1) year from the effective date of approval of the Special Permit and SMA Use Permit.
2. That construction commence within one (1) year from the date of receipt of final plan approval and be completed within two (2) years thereafter.
3. That the petitioner or authorized representative shall submit a metes and bounds description of the 14.5 acre area to be used for the sewage treatment facility. The Special Permit and SMA Use Permit will be in effect for that area identified by the submitted description.
4. That should any unanticipated archaeological sites be uncovered during land preparation activity, work shall immediately cease and the Planning Department notified. Work shall not resume until clearance is received from the Planning Department.
5. That the system shall be designed and constructed as if the subject area were within the U.S. Corps. of Engineers Flood Plain area; provided that the berms along the northern and mauka sections of the aerated lagoons for increments 2 and 3 shall have a minimum height of 7 feet.
6. That all other applicable rules, regulations and requirements, including those of the Department of Health, be complied with.

Should the foregoing conditions not be met, the Special Management Area Use Permit may be deemed null and void by the Planning Commission.

The effective date of this Permit shall be October 15, 1980.

Dated at Hilo, Hawaii, this 19th day of November, 1980.

for W. J. Paris, Jr.
WILLIAM J. PARIS, JR.
Chairman, Planning Commission

APPROVED AS TO FORM AND LEGALITY:

Robert B. Buzard
DEPUTY CORPORATION COUNSEL

Date: 18 Nov 80