

February 3, 1989

Mr. Hugh Ono, Chief Engineer
Department of Public Works
25 Aupuni Street
Hilo, Hawaii 96720

Dear Mr. Ono:

Special Management Area Use Permit Application
County of Hawaii Dept. of Public Works
Tax Map Key 7-4-08:Portion of 3

The Planning Commission at its duly held public hearing on January 31, 1989, voted to approve the above application, Special Management Area Use Permit No. 280, to allow the construction of the Kealakehe Wastewater Treatment Plant and related improvements at Kealakehe, North Kona, Hawaii.

Approval of this request is based on the following:

1. The requested Special Management Area Use Permit Application will not have any significant adverse environmental or ecological effect. The project site is located on pahoehoe lava with little soil and vegetation. Endangered species have not been associated with this site. Additionally, no historic or archaeological sites have been associated with the project site.
2. The development is consistent with the objectives and policies as provided by Chapter 205A, HRS, and the Special Management Area Guidelines. This project will not involve dredging or filling; will not reduce the size of a beach or recreational area; will not reduce access to the shoreline; will not interfere with the line of sight from the Queen Kaahumanu Highway to the shoreline; and not adversely affect the coastal water quality, fisheries, wildlife habitats or agricultural use of land.

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3. The development is consistent with the County General Plan and zoning. The project is sited in the Urban District, in an area designated as Alternate Urban Expansion and is a use permitted in the Zoning Code. This project is part of a coordinated development effort involving the County and State of Hawaii.
4. Further, no adverse impacts on air and water quality are expected to be generated by the proposal. The nature of these additional improvements is such that no unusual air emissions will be produced by the aerated lagoon treatment. The municipal golf course is seen as the field which will consume the chemical nutrients found in the effluent used for irrigation.

Although the proposed use will alter the essential character of the land, it is determined that such a change may make the highest and best use of land involved for the public welfare at the present time.

Approval of this request is subject to the following conditions:

- A. The applicant, successors or assigns shall comply with all of the stated conditions of approval.
- B. The applicant shall submit a metes and bounds description of the \pm 53 acre area to be used for the wastewater treatment plant and related improvements. This SMA Use Permit shall be in effect for this area identified by the submitted description within one year from the effective date of this permit.
- C. The applicant shall submit plans for Plan Approval to the Planning Department within one year from the effective date of this Permit.
- D. The applicant shall commence construction within one year from receipt of Final Plan Approval and be completed within three years thereafter.
- E. The applicant shall submit the required daily and peak hour water demand requirements to the Department of Water Supply.
- F. The applicant shall provide improvements to Queen Kaahumanu Highway meeting the requirements of the State Department of Transportation, Highways Division.

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- G. Should any unidentified archaeological or historical sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, paving or walls be encountered during the site preparation or the development phase of the project, work in the area affected shall cease and the Planning Department immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigating measures have been taken.
- H. All applicable laws, rules, regulations and requirements shall be complied with.
- I. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
- J. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the SMA Use Permit; and 4) 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); and 5) if the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the Planning Commission for appropriate action. Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate proceedings to nullify the SMA Use Permit.

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Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Gary Mizuno
Chairman, Planning Commission

xc: Mr. William E. Spencer, Jr.
Department of Public Works, Wastewater Division
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
DBED, CZM Program w/background
DLNR

bcc: Plan Approval Section