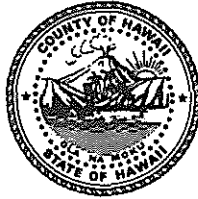


Stephen K. Yamashiro
Mayor



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
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MAR 13 1997

Donna Fay K. Kiyosaki, P.E.
Chief Engineer
County of Hawaii
Department of Public Works
25 Aupuni Street, Room 202
Hilo, HI 96720

Dear Ms. Kiyosaki:

Special Management Area Use Permit Application (SMA 96-9)
Applicant: County of Hawaii, Department of Public Works
Request: Construction of the Disappearing Sands Sewage Pump
Station and Related Improvements
Tax Map Key: 7-7-8:Portions of 21 and 23

The Planning Commission at its duly held public hearing on February 27, 1997, voted to approve the above-referenced application. Special Management Area Use (SMA) Permit No. 373 is hereby issued to allow the construction of the Disappearing Sands Sewage Pump Station and related improvements. The property is located along the mauka side of Alii Drive across of the Kona Magic Sands Condominium Complex at Pahoehe 2nd, North 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 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 development will consist of a regional sewage facility for Kailua-Kona and includes the construction of interceptors, force mains and three pump stations along Alii Drive. The proposed development is located approximately 175 feet from the shoreline and is not adjacent to the shoreline; therefore, public access will not be affected. The proposed structure will

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be a below ground pump sump with a ground level cover and exposed valves and piping. The pump control panels, odor control equipment and emergency power generating equipment will be contained within a one story building. The fuel storage tank will be installed above ground and enclosed with secondary polyethylene containment and encased in reinforced concrete. All equipment with the potential to generate noise including the power genset, air blower, air compressor and odor control fans will be housed within the control building. Special noise reducing air intake and exhaust ducts have been designed for the cooling air of the genset radiator. Foul air from the pump sump will be withdrawn and treated in column of activated carbon to remove any odors in the air. The foul air withdrawal will create a slight vacuum in the pump sump, which will prevent any outward leakage of the foul air to the atmosphere. Aeration of the sewage in the forcemains will also be conducted and will inhibit the biological production of odorous compounds. The entire site will be landscaped to block ground level views and, thus, alleviate any unpleasant visual characteristics of the pumping station site. Therefore, there would be no adverse impact to recreational and visual resources, access to and along the shoreline nor coastal ecosystems. The property was previously cleared and is presently vacant. Current vegetation on the property is dominated by non-native plants. There are no known rare or endangered plant life or animal species on the property or in its immediate vicinity. The proposed development is not expected to impact the immediate adjacent properties as the subject property is surrounded by vacant lands. In regards to traffic, it is not anticipated that traffic generated from the project will have a substantial adverse impact within the coastal zone. As such, no substantial adverse ecological effects to the physical environment within the immediate area is anticipated to be generated by the proposed project.

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. 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 development is not anticipated to have any substantial adverse effects on the coastal resources or environment.

The proposed development is consistent with the County General Plan and Zoning Code. The proposed project does conform to the General Plan's Public Utilities Element and Sewer Subsection.

Public Utilities

- o Ensure that adequate, efficient and dependable public utility services will be available to users.
- o Maximize efficiency and economy in the provision of public utility services.
- o To have public utility facilities which are designed to fit into their surroundings or concealed from public view.

Policies

- o Public utility facilities shall be designed so as to complement adjacent land uses and shall be operated so as to minimize pollution or disturbance.
- o Provide utilities and service facilities which minimize total cost to the public and effectively service the needs of the community.
- o Utility facilities shall be designed to minimize conflict with the natural environment and natural resources.

Sewer

- o The "Sewerage Study for All Urban and Urbanizing Areas of the County of Hawaii, State of Hawaii," December 1970, and the "Water Quality Management Plan for the County of Hawaii," December 1980, shall be used as guides for the general planning of sewerage disposal systems.
- o The County shall take immediate steps to designate treatment plant sites, sewerage pump station sites, and sewer easements according to the facility plans to facilitate their acquisition.
- o Disposal of raw sewage directly into waterways and the ocean shall be discontinued as soon as possible.

Standards

- o Sewerage systems shall be designed for the particular area, depending on topography, geology, density of population, costs, and other considerations of the specific area.
- o There shall be a minimum of visual and odor pollution emanating from sewerage treatment facilities.

Mindful of the type of service the applicant will provide to the residents of West Hawaii, the proposed use will be consistent with the following goals and policies of the General Plan:

Historic Sites

- o Protect and enhance the sites, buildings and objects of significant historical and cultural importance to Hawaii.
- o The County of Hawaii shall encourage the restoration of significant sites on private lands.
- o The County shall also aid in the development of a program of public education concerning historic sites.

In May 23 and June 6, 1995, an inventory level archaeological survey with limited subsurface testing was conducted on subject property by Paul H. Rosendahl, Ph.D., Inc. (PHRI). A total of 5 sites were identified during the inventory survey. Two (2) of the 5 sites are recommended for further data recovery. According to the applicant, appropriate mitigation measures will be determined and implemented during the mitigation stage of the project for submittal to and review by the State Department of Land and Natural Resources Historic Sites Division. The establishment of buffer zones and interim protection measures still needs to be completed. Further data collection was recommended for the northeast parcel (TMK: 7-7-8: 21). If the remaining portion of the southwest parcel (TMK: 7-7-8:23) is not needed for construction of the sewer pump station, that area is recommended for preservation "As Is." All associated archaeological requirements shall be complied with in conjunction with the issuance of permits and construction phase for the project. Therefore, a condition of approval will be included stating that the applicant fully implement the recommendations of the State Department of Land and Natural Resources Historic Preservation Division prior to securing of any land alteration permits for the proposed development. The implementation of a mitigation plan will satisfy the SMA objective to "Protect, preserve and where desirable restore significant historic and cultural resources."

Land Use and Open Space

- o Protect scenic vistas and view planes from becoming obstructed. The project is located mauka of Alii Drive; and therefore, the single story building will not interfere with the coastal view plans.

Environmental Quality, Natural Resources and Shoreline

- o Protect and promote the prudent use of Hawaii's unique, fragile, and significant environmental and natural resources.

The proposed replacement of any existing cesspools with a new sewage system should reduce the risk of contamination of coastal waters. This project will help to ensure the protection of the coastal ecosystem and enhance the ground water conditions in the area.

Economic Uses

- o Provide residents with opportunities to improve their quality of life.

This project is consistent with the State and County policies governing the Special Management Area and the County's General Plan. The proposed sewage system will ensure adequate waste disposal for the urbanizing activities and growth in the area.

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:

1. The applicant, its successor or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant, its successor or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury or death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the approval of this permit.
3. Final Subdivision Approval of the proposed subdivision shall be secured within five (5) years from the effective date of this permit.
4. Construction of the proposed development shall be completed within five (5) years from the date of Final Subdivision Approval. Prior to commencing construction, Final Plan Approval for the proposed improvements shall be secured from the Planning Department in accordance with Chapter 25-243 of the Zoning Code. Plans shall identify the proposed structures, vehicular traffic, paved driveway access and parking stalls associated with the proposed use. Landscaping shall also be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties. Landscaping along the project site's boundaries shall be provided to the extent that a continuous, unbroken, heavy planting screen, no less than 5 feet in height, is established prior to the issuance of a certificate of occupancy.
5. A Mitigation Plan approved by the State Department of Land and Natural Resources-Historic Preservation Division which consists of proposed buffers, maintenance commitments and interim protection measures shall be implemented and completed prior to the submittal of plans for Final Plan Approval review or prior to the issuance of any land alteration permits.

6. Should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations 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 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 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 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).


Should any of the foregoing conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the Special Management Area Major Use Permit.

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.

Donna Fay K. Kiyosaki, P.E.
Chief Engineer
County of Hawaii
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Should you have any questions, please feel free to contact Alice Kawaha or Susan Gagorik of the Planning Department at 961-8288.

Sincerely,



Kevin M. Balog, Chairman
Planning Commission

AK:syw

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cc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
Office of State Planning, CZM Program (w/Background)
Department of Land and Natural Resources
Kazu Hayashida, Director/DOT-Highways, Honolulu
Mr. Ed Harada/M&E Pacific, Inc.
Mr. Peter Boucher/DPW Wastewater Division
Mrs. Kahueonalani Kupihea
Frederick Giannini, Esq.