

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 88-7

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on February 12, 1988, an assessment on the application of CYANOTECH CORPORATION for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: Allow construction of a roof for flaker dryer equipment and frame/shade cloth enclosure for same; new sink attached to same structure; roof extends and is attached to existing building. The area involved is the existing Cyanotech facilities located at Keahole Airport, North Kona, Hawaii, TMK: 7-3-43:Portion 3.


As indicated on the attached report, the Director finds that the proposed development is:

- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:

See Attached Conditions


Chief Engineer, DPW


Planning Director

Attachment

6257A-5/84

Val = \$12,000
PT = 1 day

Conditions

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Plans for the proposed renovations shall be submitted for Plan Approval and secure Final Plan Approval within one year from the effective date of approval of the SMA Minor Use Permit.
3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. Comply with all other applicable laws, rules, regulations, and requirements.
5. An initial 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 applicant, 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 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.

BACKGROUND

2178Q 2/18/88

Cyanotech Corporation is requesting a Special Management Area (SMA) Use Permit to allow construction of a roof for flaker dryer equipment and frame/shadecloth enclosure for same; new sink attached to same structure; roof extends and is attached to existing building. The area involved is the existing Cyanotech facilities located at Keahole Airport, North Kona, Hawaii, Tax Map Key 7-3-43:Portion 3.

The General Plan Land Use Pattern Allocation Guide (LUPAG) Map depicts the area as suitable for Industrial use. The State Land Use District classification is Urban and the County zoning designation is Industrial with a minimum lot size of one acre (ML-1a). The Kona Regional Plan land use concept map recommends the area be retained for industrial uses.

The subject property is the site of the Natural Energy Laboratory of Hawaii (NELH). There are no rare or endangered species of flora or fauna present in the subject area nor are there any sites of historic significance listed on the State of National Registers of Historic Places. The area involved is a relatively level open lava field with no vegetation.

It should be noted that the parcel was the subject of a Special Management Area Major Use Permit Petition, which was approved subject to a condition that an intensive archaeological survey and salvage excavation be conducted. These were performed to the satisfaction of the Planning Department in 1980 as well as the completion of a Final Environmental Impact Statement for the establishment of the NELH facilities. In addition, the existing

Cyanotech operations have also complied with Rule 9 of the Planning Commission relating to the SMA.

The Flood Insurance Rate Map (FIRM), prepared by the U.S. Army Corps of Engineers, depicts the project to be outside the coastal high hazard area.

RECOMMENDATION

An SMA Minor Use Permit is issued based on the following findings:

1. The total valuation of the proposal will not exceed \$65,000; and
2. The proposal will not result in a significant adverse effect on the Special Management Area.

The proposed construction activities should not create any substantial adverse impacts on the environmental or ecological resources of the SMA. The applicant proposes to expand an existing building. There are no known rare or endangered species of flora or fauna nor are there any historic sites of significance existing in the area. Therefore, the proposed project will not have adverse environmental impacts.

The proposed project is consistent with the Special Management Area objectives, policies, and guidelines. These were established to provide guidance for the preservation, protection and development of the coastal resources of the State and County. The guidelines identify several areas of management concerns including recreational, historic, and scenic and open space resources, coastal ecosystems, economic uses, and coastal hazards. The proposed development will be built in a similar manner as existing structures. Thus, it is

felt that scenic resources will not be affected by the limited nature of this project. The subject proposal is over 1,000 feet from the shoreline, and, therefore, will not have a negative impact on the recreational resources or coastal ecosystems.

The proposed industrial improvements are consistent with the Industrial designation of the General Plan and the Industrial zoning of the area.

Based on the foregoing, it is determined that the granting of the request will not create a significant adverse effect on the environment and, therefore, will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management; Rule 9 of the Planning Commission relating to the Special Management Area; the Hawaii County Zoning Code; or the General Plan.

A Special Management Area Minor Use Permit is approved subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Plans for the proposed renovations shall be submitted for Plan Approval and secure Final Plan Approval within one year from the effective date of approval of the SMA Minor Use Permit.
3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. Comply with all other applicable laws, rules, regulations, and requirements.

5. An initial 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 applicant, 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 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). Further, should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to nullify the permit.