

## Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Bernard K. Akana  
Mayor

Duane Kanuha  
Director

William L. Moore  
Deputy Director

### CERTIFIED MAIL

October 10, 1989

Mr. Dan T. Kochi, Deputy Director  
Department of Transportation  
Harbors Division  
79 South Nimitz Highway  
Honolulu, HI 96813

Dear Mr. Kochi:

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 89-11  
Tax Map Key 7-4-8:3

Upon careful review of your SMA Use Permit request, we have found that it complies with the requirements for a Minor Permit set forth in Rule 9.7 of the Planning Commission's Rules and Regulations Relating to Special Management Area.

Accordingly, please find enclosed an SMA Minor Use Permit No. 89-11 to allow the establishment of a small waste oil storage facility at Honokohau Boat Harbor. The land involved is along the existing south harbor access road and is about 80-90 feet south of the harbor waters, at the ramp between Piers "A" and "B". The harbor parcel is a portion of TMK: 7-4-08:3, Kealakehe, North Kona, Hawaii.

Please note that the permit approval is also subject to the following conditions:

1. The applicant, its successors or assigns, shall be responsible for complying with all conditions of approval.
2. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.
3. The applicant shall complete the construction within one year from the date of permit issuance.
4. 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

Mr. Dan T. Kochi  
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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).

Should you have any questions regarding the above, please do not hesitate to contact this department at 961-8288.

Sincerely,



DUANE KANUHA  
Planning Director

FRW:lv  
Enclosures

cc: Chief Engineer w/enc.  
West Hawaii Planning Coordinator w/encs.  
SMA Section w/encs.  
SMA 266

PLANNING DEPARTMENT - PLANNING COMMISSION  
COUNTY OF HAWAII  
Hilo, Hawaii

PERMIT NO. 89-11

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

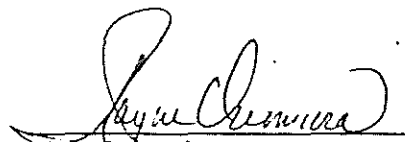
The Planning Director completed on October 5, 1989, an assessment on the application of DAN T. KOCHI, DOT-HARBORS DIVISION for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is ~~for~~: To allow the establishment of a small waste oil storage facility at Honokohau Boat Harbor. The land involved is along the existing south harbor access road and is about 80-90 feet width of the harbor waters, at the ramp between Piers "A" and "B". The harbor parcel is a portion of TMK: 7-4-08:3, Kealahou, North Kona, Hawaii.

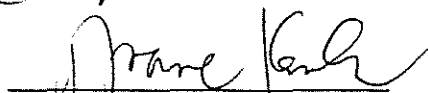
As indicated on the attached report, the Director finds that the proposed development is:

- 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

TC / FMV = \$15,000  
DT = 21 days

SMA Minor 89-11  
DAN T. KOCHI, DOT-HARBORS DIVISION  
Conditions

1. The applicant, its successors or assigns, shall be responsible for complying with all conditions of approval.
2. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.
3. The applicant shall complete the construction within one year from the date of permit issuance.
4. 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).

Mr. Dan T. Kochi, Deputy Director of Harbors, State Department of Transportation, is requesting a Special Management Area (SMA) Use Permit to allow the establishment of a small waste oil storage facility at Honokohau Boat Harbor. The land involved is along the existing south harbor access road and is about 80-90 feet south of the harbor waters, at the ramp between Piers "A" and "B". The harbor parcel is a portion of TMK: 7-4-08:3, Kealahou, North Kona.

Specifically, the applicant proposes to build a 10 by 8 foot shed to house eight 55 gallon oil drums. The structure will have hollow tile and plywood walls and a composition shingle roof. The concrete floor will have an 8 cubic foot sump for containment of leakage. Cost of construction will be \$15,000.

The proposed use of the facility is for temporary oil drum storage of waste oil generated by boat operators using the harbor, until it can be later disposed of in accordance with Environmental Protection Agency regulations.

The State Land Use Classification for the project site is Urban. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designate the area for Extensive Agriculture and Alternative Urban Expansion. The County zoning for the area is Open. Nearby properties are presently vacant. Other portions of the boat harbor area are used for various harbor support activities and businesses.

The portion of the subject area to be used is designated for expansion of harbor facilities. SMA Use Permit No. 266 was approved on December 9, 1987, for \$1.8 million worth of improvements on the south side of the harbor, including grading of the proposed project

site. The approximately 400 square foot area on which the shed will sit will be graded and filled and lies over 15 feet above sea level. The land is relatively level pahoehoe lava bearing very little soil material.

According to the Tsunami Inundation Map, U.S. Geological Survey, Sheet 23, the project site is makai of the approximate limit of inundation for the 100-year tsunami.

Access to the site is from the Queen Kaahumanu Highway, via Kealakehe Parkway, thence to the road which services the southern portion of the harbor basin.

#### RECOMMENDATION

An SMA Minor Permit is hereby approved based on the following findings:

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

The proposed project is not expected to have any adverse environmental or ecological effects. At present, no oil disposal facilities exist at the harbor. A problem now exists with the potential for harbor users to dump oil illegally on or near the premises, and thereby threatening water quality, marine and terrestrial plant and animal life. The proposed waste oil facility will be a safe alternative to illegal dumping, and in that manner can be expected to be an environmental safeguard. The subject site and the surrounding area have been graded or otherwise altered as part of previous construction activities and harbor activities;

consequently, there is negligible likelihood of presence of endangered organisms or archaeological sites. The location 80-90 feet from the water and the containment structures will minimize chances for oil to enter harbor waters.

The proposed action is consistent with the Objectives, Policies, and SMA Guidelines. These were established to provide guidance for the preservation, protection, and development of coastal resources of the State and County. They identify several areas of management concern including historic, recreation, scenic resources, coastal ecosystems, economic use, and coastal hazards. Due to the limited nature of the project and given the proposed conditions, it is determined that granting of this request will not permanently impact on the identified resources.

The proposed shed and waste oil storage use is consistent with the present boat harbor use, SMA No. 266, as well as the General Plan "Alternate Urban Expansion" designation.

Based on the above, 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. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.

3. The applicant shall complete the construction within one year from the date of permit issuance.
4. 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).