

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 89-2

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

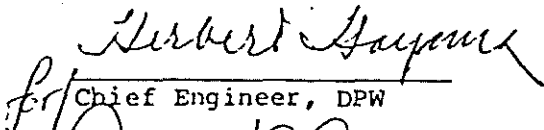
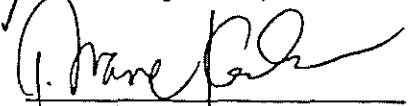
The Planning Director completed on January 11, 1989, an assessment on the application of STATE OF HAWAII-DBED for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: Use a parcel of State land for the (1) monitoring of air quality parameters and meteorological conditions for up to one year; (2) the site preparation necessary for the locating of trailer and monitoring facilities; and (3) the construction of two chain-link fenced enclosures around the facilities, in the ahupua'a of Hekukano, Ka'u, TK: 9-5-16:29.

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


for Chief Engineer, DPW

Planning Director

Attachment

6257A-5/84

SMA Minor Permit No. 89-2
STATE OF HAWAII-DBED
Conditions

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall comply with the requirements of the Board of Land and Natural Resources.
3. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.
4. The applicant shall complete the project within one year, and all the facilities shall be removed within two months thereafter. Where applicable, the site shall be restored to its former condition.
5. Public access to and along the shoreline shall not be impeded by the applicant, its heirs or assignees.
6. 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

The State Department of Business and Economic Development (DBED) is requesting a Special Management Area (SMA) Use Permit to use a parcel of State land for the (1) monitoring of air quality parameters and meteorological conditions for up to one year; (2) the site preparation necessary for the locating of trailer and monitoring facilities; and (3) the construction of two chain-link fenced enclosures around the facilities. The project site is a small portion of a 19.512 acre State-owned parcel just makai of the Mamalahoa Highway, roughly midway between Honuapo and Kawaa (to the northeast), in the ahupua'a of Hokukano, Ka'u, TMK: 9-5-16:29.

More specifically, the applicant proposes to build two enclosures of 8-foot high chain-link fence topped with barbed wire and to set up within or next to them the monitoring equipment and servicing utilities for the project. Equipment will be trucked 100-200 feet into the site over the lava flow directly from the highway, the path getting levelled where needed. An 8 x 15 x 6 foot instrument trailer will be hauled in about 120 feet and left supported on corner posts within an 18 x 27 foot enclosure. The second 20 x 20 foot security enclosure will be set up about 80-90 feet makai of the first, and will surround a 6-foot tall tripod holding wind velocity and air temperature monitors and their batteries. Another set of these instruments will be mounted nearby on a 53 foot tall "power pole" (set 5 feet into the ground).

Telephone and electrical service will be provided to the instrument trailer from the two lines paralleling the highway via

one or two intermediate poles set on the subject parcel south of the access path.

The enclosures will be situated approximately 1400-1500 feet mauka of Hawaloa along the shoreline at approximately 100 feet elevation.

The total cost of the project is expected to be \$6-10,000.

The State Land Use Commission (LUC) classification of the subject parcel is Conservation. The General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Extensive Orchard use. County zoning is Open. Nearby properties makai of the highway bear Conservation LUC classification and Open County zoning, and those mauka of the highway are classified as Agriculture by the LUC and Agriculture (with minimum lot size of 20 acres) by the County. Grazing is the predominant land use of the area.

An interdepartmental request for a Right-of-Entry Permit has been submitted to the Department of Land and Natural Resources by the applicant.

According to the 1973 "Soil Survey of Island of Hawaii," U.S. Department of Agriculture, Soil Conservation Service, the soil is classified as "'A'a Lava Flow" which is a "Miscellaneous Land Type." The flow is sparsely vegetated, very well drained and has a minimal erosion hazard.

The Flood Insurance Rate Maps (FIRM), prepared by the U.S. Army Corps of Engineers map the area as outside the 500-year flood plain.

No archaeological sites listed on the State or National Registers of Historic Places are recorded from the portions of the subject parcel to be affected by the project.

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 project is not anticipated to have any adverse environmental or ecological effects.

The proposed action 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, scenic and open space resources, coastal ecosystems, economic uses, and coastal hazards. Due to the limited nature of the project, it is determined that the granting of this request will not impact on the identified resources.

The proposed project is consistent with the present Conservation district.

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 the requirements of the Board of Land and Natural Resources.
3. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.
4. The applicant shall complete the project within one year, and all the facilities shall be removed within two months thereafter. Where applicable, the site shall be restored to its former condition.
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6. 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
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