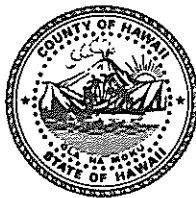


Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Norman Olesen  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-9615

CERTIFIED MAIL  
Z 416 228 913

September 28, 1995

Mr. Douglas L. Gomes  
Vice President  
ECM, Inc. Consulting Engineers  
485 Waiale Drive  
Wailuku, HI 96793

Dear Mr. Gomes:

Special Management Area (SMA) Use Permit Assessment  
Application No. 95-51 (SMAA 95-51)  
Special Management Area (SMA) Minor Use Permit No. 38  
(SMM 38)  
Applicant: ECM, Inc. Consulting Engineers  
Request: Repair, Replace and Extend Existing Load Rack  
Canopy Structure  
Tax Map Key: 2-1-07:2; Waiakea, South Hilo, Hawaii

We are in receipt of the above-described application on September 1, 1995, to allow for the replacement, repair and extension of the existing load rack canopy at the Shell Oil Terminal. The proposed improvements would not exceed \$125,000 in valuation. It has been determined that the proposed improvements will not have a significant adverse impact to coastal resources. Therefore, we are hereby issuing Special Management Area Use Permit No. 38 to allow the replacement, repair and extension of the existing load rack canopy structure, for the reasons as detailed below.

#### APPLICANT'S REQUEST

- 1) **Request:** The applicant has submitted an SMA Use Permit Assessment Application to allow the replacement, repair and extension of an existing load rack canopy structure. The existing 450 square-foot load rack canopy (18' X 25'), must be replaced with a larger 1,775 square-foot canopy (32' X 55.5'). The expanded load rack canopy is necessary to comply with the requirements of the Environmental Protection Agency and the State Department of Health.

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- 2) **Purpose:** The expanded load rack canopy is necessary to ensure that tankers and the loading rack area are protected from rainwater and runoff, which if left unprotected, could result in runoff contain hazardous petroleum pollutants, among other potential pollutants.
- 3) **Project Specifications:** According to plans submitted, the proposed expanded load rack canopy will have a maximum height of approximately 16.5 feet from the existing grade. The expanded canopy will also project into the minimum 20-foot wide front yard setback by one (1) foot. The steel support beams and support columns will project 18.75 feet into the 20-foot wide front yard setback, leaving a distance of only 1.25 feet from the support beams and columns to the subject property's front property boundary. The applicant has concurrently submitted an application for a variance from the minimum 20-foot wide front yard setback as required by the Zoning Code.
- 4) **Estimated Cost:** The cost of replacing and expanding the load rack canopy is estimated at \$45,000.

#### STATE AND COUNTY PLANS

- 5) **The State Land Use District** classification of the project site is Urban.
- 6) **The General Plan Land Use Pattern Allocation Guide (LUPAG)** Map designates the project site as Industrial.
- 7) **The Hilo Community Development Plan** recommends that the project site retain its General Industrial (MG-1a) designation.
- 8) **County Zoning:** The subject property is zoned General Industrial-1 acre (MG-1a) by the County.
- 9) **SMA:** The subject property is located within the Special Management Area; therefore, this SMA Minor Permit is being issued in satisfaction of the requirements of the SMA.
- 10) **Chapter 343, HRS:** The proposed improvements do not require the applicant to comply with the requirements of Chapter 343, Hawaii Revised Statutes relating to Environmental Impact Statements.

#### **SITE DESCRIPTION**

- 11) **Physical Description:** The subject property, consisting of approximately 1.234 acres, is extensively developed as a gasoline storage facility. The front (mauka) half of the subject property contains the loading rack area and canopy, storage platform, office and warehouse facilities. The rear (makai) half of the project site accommodates seven storage tanks which contain gasoline and other petroleum products.
- 12) **Archaeological/Floral/Faunal Resources:** Due to the extensive improvement of the subject property and its surrounding area for industrial uses, significant historical sites or features and the presence of endangered species of plants or animals are not anticipated to be located within the project site.
- 13) **The Flood Insurance Rate Map (FIRM),** prepared by the Federal Emergency Management Agency (FEMA), designates the entire project site as being located within an area outside of the 500-year flood plain (Zone X).
- 14) **Surrounding Uses:** Land uses adjacent to the project site consist of the Pacific Resources Terminal to the northeast, Hilo Harbor facilities to the north, and other various industrial uses on lands designated General Industrial-1 acre (MG-1a). The project site is located approximately 300 feet from the shoreline.

#### **INFRASTRUCTURE**

- 15) **Access** to the subject property is provided by Kalaniana'ole Avenue, which has a pavement width of approximately 24 feet within a 70-foot wide right-of-way.
- 16) **Water, electricity, and wastewater disposal** facilities are available to support the existing uses and the proposed improvements.

#### **ASSESSMENT**

The purpose of Chapter 205A-HRS, and Planning Commission Rule No. 9, 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 island's coastal zone areas.

Special controls on development within these areas have been enacted to prevent permanent loss of valuable resources. Upon review of the subject request, the Planning Director finds that the proposed replacement and expansion of a load rack canopy at the Shell Oil Terminal is consistent with State and County Special Management Area policies, as outlined below:

- a) **Recreational Resources:** The proposed improvements will not interfere with recreational uses of the coastal area since all activities associated with the proposed improvements will be concentrated within the subject property, which is located approximately 300 feet from the shoreline. One should also note that the Hilo Harbor complex, with all of its industrial facilities and activities, defines the nearest shoreline. Therefore, recreational activities within the immediate area are quite limited.
- b) **Historical and Natural Resources:** Due to extensive improvement of the subject property as a gasoline storage terminal, adverse impacts to historical resources or to endangered species of plants or animals are not anticipated. Nevertheless, a condition of approval will be included within this permit to require the notification of the Planning Department should any archaeological sites be encountered.
- c) **Scenic and Open Space Resources:** The subject property is not located within an area recognized by the General Plan as an example of natural beauty. The proposed improvements will be limited to the expansion of an existing canopy which is located over a gasoline loading rack area. No additional structures are being proposed. The preservation of visual resources or corridors are of no concern within this area due to the many existing industrial structures already located within the subject property and on adjoining properties, such as fuel storage tanks and the nearby Hilo Harbor facilities.
- d) **Coastal Ecosystems:** The project site is located approximately 300 feet from the shoreline. Existing construction practices are sufficient to ensure that potential runoff or erosion which may be generated do not adversely impact coastal resources located some distance from the subject property. Once completed, the expanded load rack canopy will protect tankers and the gasoline loading rack area from rainfall and runoff which could

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otherwise carry off hazardous contaminants. Therefore, approval of the proposed improvements would promote the intent and purpose of the State and County Special Management Area policies.

- e) **Economic Uses:** There are no direct economic benefits to be derived from the proposed improvements, which are being pursued by the applicant solely for the protection of the environment.
- f) **Coastal Hazards:** The subject property is not located within a region designated as a flood area nor within an area impacted by tsunamis.

#### **DETERMINATION**

Based on the preceding assessment, the Planning Director has determined that the expansion of the Shell Oil Terminal loading rack area canopy will not be contrary to the State and county policies governing the Special Management Area. The Planning Director hereby approves Special Management Area Minor Permit No. 38, subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant 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. The effective date of this permit shall coincide with the date of approval of the accompanying variance from the minimum front yard setback requirements of the Zoning Code (Variance Application No. 95-67).
4. Construction of the expanded loading rack area canopy shall be completed within two (2) years from the effective date of this permit. The applicant shall immediately notify this office, in writing, of the completion of the approved improvements.

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5. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings or walls be encountered, work in the immediate area shall cease and the Planning Director shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Director when it finds that sufficient mitigative measures have been taken.
6. The applicant shall comply with all requirements of the Departments of Health and Public Works and the applicable requirements of other affected agencies.
7. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of this permit. The report shall include, but not be limited to, the status of the proposed improvements and the extent to which the conditions of approval of this permit are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
8. An 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 original reasons for the granting of the permit; and
  - c) 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).
9. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director shall initiate procedures to revoke the permit.

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Please feel free to contact Daryn Arai of my staff at 961-8288 should you have any questions.

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

DSA:mjs  
File: SMM38  
SMM38.dsa

xc: Ms. Donna Kiyosaki, Chief Engineer  
Department of Health-Environmental Health Division (Hilo)  
SMA Section  
Mr. Richard Takase