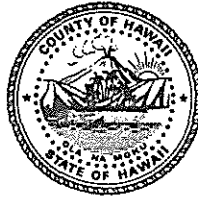


Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
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July 24, 1997

Mr. David B. Bills, P.E.
Gray, Hong, Bills, & Associates, Inc.
119 Merchant St., Suite 607
Honolulu, HI 96813

Dear Mr. Bills:

Special Management Area (SMA) Use Permit Assessment
Application No. 97-25
SMA Minor Permit No. 62 (SMM 62)
Applicant: State of HI - Department of Accounting & General Services (DAGS)
Request: For Kapiolani Elementary School (KES)
Installation of New Underground Sewer Lines, New Pump Station,
& Connection to Public Sewer System with Related Improvements;
SMA Exemption: New Clean Outs Along Existing Sewer Line
TMK: 2-2-20: 01 (City of Hilo, Waiakea House Lots, South Hilo)(PA 438)

An **SMA Minor Permit** is issued for the above project, the installation of a new sirloin system and related improvements; in addition, an **SMA Exemption** from Rule 9 requirements is granted for new clean out to grade (COTG) improvements along the existing sewer line.

Findings

SMA Minor Permit. Rule 9-10E requires two findings by the Planning Director to substantiate the issuance of a minor permit: The proposed improvements do not exceed \$125,000 in valuation; and secondly, a finding that the project will not have a significant adverse effect on the SMA.

- a. **Valuation: \$119,000, Total Project Cost Anticipated by Applicant.** According to the applicant's information the Planning Director finds that the project does not exceed the \$125,000 valuation criteria.

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- b. **Does Not Constitute a Significant Adverse Effect.** The project site is in Zone X, an area outside of the flood plain, according to the Flood Insurance Rate Map (FIRM) and the County Department of Public Works - Engineering Division. It is the director's finding that this proposal does not constitute a significant adverse effect of an environmentally sensitive area because the project does not affect a flood plain; moreover, the project does not involve or substantially affect the nine of the ten factors of Rule 9-10H.1 through 9.

SMA Exemption. According to Rule 9-10G, the Planning Director is required to declare an exemption for the COTG improvements to the existing KES sewer line. An exemption is declared pursuant to Rule 9-4(10)B(iv), (vi), & (xiv), because the improvements are exempt as repair and maintenance of the sewer line or existing use; and, the COTGs are also exempt as an installation of appurtenant above ground fixtures less than four feet high along the existing sewer line corridor. The proposed COTG installation and the existing sewer line corridor are shown in the KES Environmental Assessment - Figure 2 Site Plan (dated: April 18, 1997).

The basis for issuing the minor permit is stated below.

NATURE of DEVELOPMENT

1. **Project Purpose.** The proposed improvements are for the existing public school. According to the applicant, the project purpose is to abandon and close the existing cesspool sewage disposal system, eliminating the potential problem of sewage overflows and pollution of nearby Waiakea Stream and Fishpond. A new sewer line system will be installed for the school connecting onto the county's existing public sewer line; and, with both systems connected that'll ensure proper sewage treatment and disposal.
2. **Project Location.** The project site is the City of Hilo's KES, a public school facility fronting Kilauea Avenue and Mohouli Street; and, the parcel is adjacent to the Waiakea River but does not abut the coastal shoreline. County building permit records substantiate legal construction activity at KES, evident since 1952. (BP11799). Parcel 01 is an elementary school site, developed and graded for school buildings, a ball park, and large areas of level open grass fields. Since the site is developed adverse impacts are not anticipated to occur to historical and natural resources within the project area. Additionally, parcel 01 is not identified by the county General Plan (GP) as an example of natural beauty. GP & Support Document at 33 (effective date: November 14, 1989). Generally, the construction area is within the school's courtyard and grassed areas and adjacent to an existing driveway.
3. **Scope.** According to the applicant, the project will install a new sewage disposal system of underground gravity sewer lines; with the exception, however, of retaining one cesspool for sole emergency overflow use in lieu of a standby generator.

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To minimize potential use of the emergency overflow cesspool an alarm system indicating high water levels will be installed in the principal's office. According to the applicant's Figure 2 site plan, the existing gravity sewer line to the cesspools will also remain and three COTGs will be installed onto the line. Connection to the county's underground public sewer system will be at both road frontages. The new lines will be connected to only one above ground structure, a new sewage pump station; structural height will be approximately four feet above finished grade.

STATE & COUNTY LAND USE PLANS

4. **Land Use Designations.** A finding of GP and zoning consistency is required because of Rule 9-10H.3 & 10, -8, -7B.2 & 3, and -7C6.
5. **State Land Use District: "Urban."** This land use classification means that the county government is the primary jurisdiction for determining the permitted uses of the "Urban" district. Hawaii Revised Statutes sec. 205-2(b).
6. **County Zoning: RS-10 (Single Family Residential) District.** The improvements to KES are consistent with the county Zoning Code because the school is a conditionally permitted use and a nonconforming public use. The school is considered a conditionally permitted use, a legal use that may be expanded or enlarged without a Use Permit; moreover, according to the county building permit data KES is a nonconforming public use or building *in lawful existence since September 21, 1966, and existing before May 24, 1967.* Secs. 25-1-5(b)(86) & -4-61(b).
7. **General Plan: High Density Urban Development.** Parcel 01's land use designation is High Density and includes residential and related services, according to the Land Use Pattern Allocation Guide (LUPAG) Map and the GP Support Document. The sewer improvements are consistent with the GP's Public Facilities goals to provide more functional public educational facilities; and, it is consistent with the GP's Environmental Quality Standards because the improvements will comply with federal and state environmental regulations. GP at 7, 3.
8. **Special Management Area.** Because a portion of parcel 01 is within the boundaries of the SMA zone this development is required to comply with Planning Commission Rule 9 SMA requirements.
9. **HRS Chapter 343, Environmental Impact Statement.** State DAGS, the applicant, has provided Exemption Notice (November 14, 1996) in accordance with HRS Chapter 343 procedural requirements. The exemption notice declares that the proposed sewer system improvements are a class of action exempt from EIS regulations.

Rule 9-10H - SIGNIFICANCE CRITERIA

10. **Significant Adverse Effect: None.** The above *Findings* discussion have determined that the sewer improvements do not constitute a significant adverse effect on the environment; however, the tenth factor of Rule 9-10H.10 requires the project to be consistent with SMA objectives, policies, and guidelines.
11. **SMA Objectives & Policies: The Proposal is Consistent with SMA Objectives.** The improvement's impact is not contrary to or does not involve six of the seven objectives listed at Rule 9-6A; however, the improvements are consistent with the objective of providing public facilities and improvements important to the state's economy and in a suitable location.

We surmise the improvements are important to the state so KES can maintain its educational mission to prepare students to be functional citizens in society who can contribute to the state economy; moreover, the improvements should be important to the state economy to achieve compliance with either state or federal environmental laws and to avoid potential violations and penalties. KES's existing location predetermines its suitability.

12. **The Project is Consistent with SMA Policies.** Most of the seven SMA policies of Rule 9-6B are not germane to this project. Eliminating cesspool overflow, however, is consistent with the *recreational resource* policy to regulate pollution sources to protect the recreational value of coastal waters, the Waiakea Stream and Fishpond. Rule -6B.1.b.vi. The improved sewage system is consistent with *coastal ecosystem* policies to promote water quality planning and management practices. It will end cesspool use which may violate state water quality standards. Rule -6B.4.d. Finally, the project is consistent with the *managing development* policies of Rule -6B.7.a; the sewage system upgrade effectively uses existing law to the maximum extent possible in the coastal zone management of KES, the present development.
13. **Consistent with SMA Guidelines.** Proposals in the SMA require review according to Rule 9-7A and B guidelines. For Rule 9-7B, the above discussions at *Findings* and *Land Use Plans* have determined that this project is consistent with two of the rule's three guidelines: It's not a significant adverse environmental effect; and, the project is consistent with the GP and zoning, state and county. The *Significance Criteria* discussion has also determined that this development is consistent with SMA objectives and policies, stated above; as well as the guidelines reviewed here.

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For the Rule 9-7A guidelines it specifies by category the kinds of development that the Planning Director shall seek to minimize where reasonable. Four of the five guidelines do not apply; however, the project is consistent with seeking to prevent water pollution and will not adversely affect water quality or existing and potential fisheries and fishing grounds. Rule 9-7A.5.

CONDITIONS. Pursuant to Rule 9-10E.1, developments permitted in the SMA are subject to reasonable terms and conditions as necessary to ensure consistency with Rule 9-7C guidelines. This minor permit is approved subject to the following conditions. Any changes or amendments requires the Planning Director's prior written approval.

1. The applicant, its successors or assigns **shall comply with all stated conditions of approval.** Should any of the conditions not be met or substantially complied with the Planning Director will have grounds to initiate procedures to revoke the permit.
2. **Duration of Minor Permit: Three Years.** The minor permit is valid for three years from the date of this letter; project construction approved by this permit shall be completed within the three year period. Pursuant to Rule 9-14A, and without further action or notice from the Planning Director, the minor permit **shall void upon expiration of the three year period.**
3. Discovery of any unidentified sites or remains such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate area shall cease; and, the Planning Director shall be immediately notified. Work can proceed with an **archeological clearance** from the Planning Director upon a finding that sufficient mitigative measures have been taken.
4. An **extension of time** to perform these conditions may be applied for to the Planning Director. The duration of this permit may be extended in accordance with Rule 9-11E:
 - (a) A written request is required stating;
 - (b) the length of time requested;
 - (c) the reasons for the time extension;
 - (d) the request must be filed **sixty (60) days before the expiration date** of the time condition.

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The Planning Director may grant a time extension upon the following circumstances:

- (e) Non-performance is the result of **unforeseen conditions** or conditions beyond the applicant's control; and, these conditions are not a result of the applicant's fault or negligence;
- (f) a time extension will be **consistent with the original reasons** for issuing the minor permit; and,
- (g) a time extension shall be for **an additional period equal to** the original three year time for performance.

5. When construction of the improvements are final the applicant shall submit a **written notification of completion** to the Planning Director.

Any questions about the minor permit may be discussed with Earl Lucero of this department at 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

EML:cjf

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cc: Chief Engineer
Gordon Matsuoka, State Public Works Engineer - DAGS
SMA Section