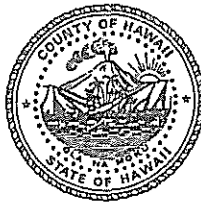


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

February 15, 2005

Mr. David Nakata
Customer Planner
Customer Engineering Division
Hawaii Electric Light Company, Inc.
P. O. Box 1027
Hilo HI 96721-1027

Dear Mr. Nakata:

SUBJECT: Special Management Area Use Permit Assessment Application (SMAA 05-03)
Special Management Area Minor Permit No. 179
Applicant: Hawaii Electric Light Company
Request: Relocation of Overhead Utility Pole Line
Tax Map Key: 2-1-15:2 and 2-1-16:2, 3 & 6, City of Hilo, Hawai'i

This is to follow up on our January 12, 2005 letter relating to the above-referenced Special Management Area Assessment for the relocation of overhead utility pole line from Leleiwi Beach Park and private properties onto the west (mauka) shoulder area of Kalaniana'ole Avenue.

TMK: 2-1-15:2 is designated Urban by the State Land Use Commission and zoned Single-Family Residential (RS-10) by the County. TMK: 2-1-16:2, 3 and 6 are designated Urban by the State Land Use Commission. The County zoning and General Plan designations for these parcels are Open (O). However, power lines are permitted uses within the Open district.

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(i) relating to the Special Management Area, the relocation of the overhead utility pole line is not exempt from the definition of "development." Therefore, the proposed project requires a SMA Minor Permit.

Hawai'i County is an equal opportunity provider and employer.

Mr. David Nakata
Customer Planner
Page 2
February 15, 2005

For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 179 is hereby issued to allow for the relocation of the overhead utility pole line from Leleiwi Beach Park and private properties onto the west (mauka) shoulder area of Kalanianaʻole Avenue, subject to the applicant's compliance with the conditions of approval as specified in the permit.


Although an environmental review is required, Section 11-200-8, Hawaii Administrative Rules states that certain actions are exempt from the preparation of an environmental assessment.

The Department of Parks and Recreation has determined that the proposed project is covered by their Exemption Class # 8 which includes "*Demolition of park structures, except those structures located on any historic site*". Also, the Department of Public Works has determined that the proposed project is covered by their Exemption Class 6 which includes "*New installation of water, sewage, electrical, gas, telephone, street light and other essential public utility service extensions within the County road rights-of-way (6/21/95)*".

Finally, all other applicable agency requirements must also be satisfied.

Should you have questions, please feel free to contact Esther Imamura or Larry Brown of this department at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

ETI:cd

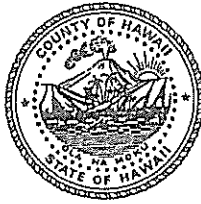
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Enclosures - SMM No. 179

Department of Public Works February 8, 2005 Memo

xc w/encls: Long Range Planning – Ms. Susan Gagorik
Planning Commission

Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii
PLANNING DEPARTMENT
101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

Special Management Area Minor Permit No. 179

Project: Relocation of Overhead Utility Pole Line
Applicant: Hawaii Electric Light Company
Location: City of Hilo, Hawaii
TMK: (3) 2-1-15:2 and 2-1-16:2, 3 and 6

Applicant's Request

1. Project Description:

The applicant proposes to relocate the overhead utility pole line from Leleiwi Beach Park and private properties onto the west (mauka) shoulder area of Kalanianaʻole Avenue. The project will consist of the removal of 7 utility poles, 6 anchors and approximately 1,576 feet of overhead electric lines and the installation of approximately 7 utility poles, 2 anchors and approximately 1,575 feet of overhead electric lines.

2. Purpose of Project:

At the request of the private property owners, the overhead utility pole line will be relocated to Kalanianaʻole Avenue.

3. Project Valuation: \$65,000±.

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(i) relating to the Special Management Area, the relocation of utility lines is not exempt from the definition of "development." Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The subject properties are designated Urban by the State Land Use Commission.

2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the project site for Open uses, which allows for parks and historic sites.
3. **County Zoning:** TMK: 2-1-15:2 is zoned Single-Family Residential (RS-10) while the other three parcels are zoned Open (O). According to the Zoning Code, Section 25-4-11(a), *"Communication, transmission, and power lines of public and private utilities and governmental agencies are permitted uses within any district."*
4. **Special Management Area (SMA):** The subject properties are located in the SMA.
5. **Flood Zone:** The subject parcels are located within Flood Zone VE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard. However, according to the memorandum dated February 8, 2005, the Department of Public Works has no objection to the project.

<p style="text-align: center;">Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area</p>

The proposed improvements will not affect the recreational resources available to the public except during the relocation period.

Check all objectives and policies found to be consistent with proposed development. Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

The proposed development is consistent with the following objectives and policies:

- ☒ Development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawaii County General Plan and the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, to:
 - ☒ Provide coastal recreational opportunities accessible to the public.
 - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
 - ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
 - ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.

- ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.
- ☒ Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence and pollution.
- ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- ☒ Stimulate public awareness, education, and participation in coastal management.
- ☒ Protect beaches for public use and recreation.
- ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
 - ☒ Recreational Resources
 - ☒ Historic Resources
 - ☒ Scenic and Open Space Resources
 - ☒ Coastal Ecosystems
 - ☒ Economic Uses
 - ☒ Coastal Hazards
 - ☒ Managing Development
 - ☒ Public Participation
- ☒ Beach Protection
- ☒ Marine Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, Environmental Impact Statements.

Findings

As discussed above, the proposed development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.

The proposed development is consistent with the Hawaii County General Plan and Zoning Code.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

An environmental review is required for any project that proposes the use of state or county lands or funds other than for feasibility studies or the purchase of raw land. However, pursuant to Section 11-200-8, Hawaii Administrative Rules, certain actions are exempt from the preparation of an environmental assessment.

The Comprehensive Exemption List for the County of Hawaii, Department of Parks and Recreation as Reviewed and Concurred by the Environmental Council on August 8, 2001 includes Exemption Class # 8: "*Demolition of structures, except those structures located on any historic site as designated in the national register or Hawaii register as provided for in the national Historic Preservation Act of 1966*". Also, the Comprehensive Exemption List for the Department of Public Works, County of Hawaii, Reviewed and Concurred in by the Environmental Council on June 21, 1995 includes Exemption Class 6(9): "*New installation of water, sewage, electrical, gas, telephone, street light and other essential public utility service extensions within the County road rights-of-way (6/21/95)*". Based on the foregoing, the Department of Parks and Recreation and the Department of Public Works have determined that the proposed project is exempt from the Environmental Assessment requirement.

The estimated project cost of \$65,000 \pm is not in excess of \$125,000.

Upon review of the subject application, the Department of Public Works, Engineering Division has no objections to the request.

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 179** is hereby approved to allow for the relocation of overhead utility pole lines, subject to the applicant's compliance with the conditions of approval as specified below.

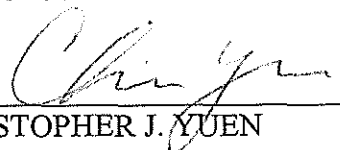
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 179** subject to the following conditions:

1. The applicant shall be responsible for complying with all stated conditions of approval.
2. All construction activities in connection with this project shall be completed within two (2) years from the date of approval of this permit. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.
3. The applicant shall comply with all other laws, rules, regulations and requirements of affected agencies.
4. An extension of time for the performance of the conditions contained herein 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 of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
5. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

APPROVED:



CHRISTOPHER J. YUEN
Planning Director

2/15/05

Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

February 8, 2005

2005 FEB 8 PM 3 11
Memorandum

TO: Christopher J. Yuen, Planning Director

FROM: *for* Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SMAA 05-03)

Applicant: Hawaii Electric Light Company

Request: Relocation of an Existing Overhead Utility Pole Line

TMK: 2-1-15: 002 and 2-1-16: 002 & 006

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated January 12, 2005 (received 1/31/05) and have no objection to the request.

The subject parcels are located within Flood Zone VE as designated on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Flood Zone VE is the Special Flood Hazard Area inundated by the 100-year coastal flood with velocity hazard.

Questions may be referred to Kelly Gomes of our Engineering Division at ext. 8327.

KG

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