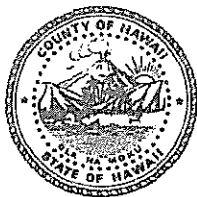


Fether

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

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

February 20, 2007

Ms. Barbara Bell
County of Hawaii
Department of Environmental Management
25 Aupuni Street, Room 210
Hilo HI 96720

Dear Ms. Bell:

Subject: Special Management Area Use Permit Assessment Application (SAA 06-000217)
Special Management Area Minor Permit No. 07-000049
Land Owner: State of Hawaii, Department of Land and Natural Resources
Applicant: County of Hawaii, Department of Environmental Management
Request: Establish and Continue the Existing Miloli'i Transfer Station
Tax Map Key: 8-9-4:7, Hopuloa-Miloli'i, South Kona, Hawaii

This is to follow up on our January 10, 2007 letter relating to the above-referenced Special Management Area assessment to establish and continue the existing Miloli'i Transfer Station which has operated without proper permits or land use authorization for over 20 years.

The subject property is zoned Open by the County and designated Open by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map. It is designated Conservation by the State Land Use Commission.

In our June 22, 2006 letter which responded to your request for comments on the Draft Environmental Assessment for the Miloli'i Solid Waste Transfer Station (After-the-Fact), we inadvertently neglected to correct item 1.2 Project Description. Page 4 stated that "Lot 2 was subdivided from a 37-acre parcel for the benefit of the transfer station in 1982 (Fig. 4)". According to our records, Subdivision Application No. 82-200 for the consolidation and resubdivision of TMK: 8-9-4:7 & 22 was deferred pending Department of Land and Natural Resources action on the Conservation District Use Application. We apologize for this oversight.

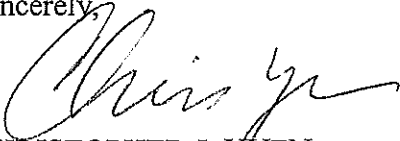
Ms. Barbara Bell
County of Hawaii
Department of Environmental Management
Page 2
February 20, 2007

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(v) relating to Special Management Area, the proposal to establish and continue the existing Miloli'i Transfer Station is considered "*Construction, reconstruction, or alteration of the size of any structure*" and defined as "development". In addition, since the existing transfer station is located over 600 feet from the coastline, the requirement of a current certified shoreline survey is waived. Also, the proposed improvements will not have an adverse effect on the environment.

Therefore, a Special Management Area Minor Permit is required. For this reason and pursuant to Planning Commission Rule Section 9-10(E), Special Management Area Minor Permit No. 07-000049 is hereby issued to establish and continue the existing Miloli'i Transfer Station subject to the applicant's compliance with the conditions of approval as specified in the permit.

Should you have questions, please feel free to contact Esther Imamura of this department at 961-8288, extension 257.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

ETI:cd

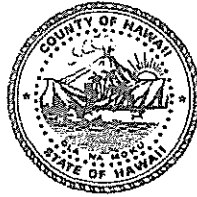
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Enclosures - SMM No. 07-000049

xc w/encls: Ms. Esther Imamura, Long Range Planning
Mr. Norman Hayashi, Planning Commission
Planning Department – Kona

xc ltr only: Ms. Laura H. Thielen, Director – Office of Planning, DBED&T
(SMM 07-000049 to be emailed with the semi-monthly report)

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
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Deputy Director

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PLANNING DEPARTMENT
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Special Management Area Minor Permit No. 07-000049

Project: Establish and Continue the Existing Miloli'i Transfer Station
Owner: State of Hawaii, Department of Land and Natural Resources
Applicant: County of Hawaii, Department of Environmental Management
Location: Hopuloa-Miloli'i, South Kona, Hawaii
TMK: 8-9-4:7 **Land Area:** 32.4602 acres

Applicant's Request

1. Project Description:

The Miloli'i Transfer Station has been operating without proper permits or land use authorization for over 20 years. It consists of a single 20-foot drop box with a wood-frame stair and deck.

2. Purpose of Project:

The project is to allow the existing facility to operate for an additional period of approximate 2 years until a replacement facility that serves Miloli'i and Hawaii Ocean View Estates can be completed.

3. Project Valuation: \$12,000

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A)(v) relating to the Special Management Area, the "Construction, reconstruction, demolition, or alteration of the size of any structure" is defined as "development." Therefore, the proposal to establish and continue the existing Miloli'i Transfer Station requires a SMA Minor Permit.

State and County Plans

- 1. State Land Use District:** The subject property is designated Conservation.
- 2. General Plan:** It is designated Open by the Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.

3. **County Zoning:** The subject property is zoned Open (O). However, since it is in the State Land Use Conservation district, there is no County zoning per se. The Department of Land and Natural Resources (DLNR) has jurisdiction on any use which occurs on this parcel.
4. **Special Management Area (SMA):** The subject property is located in the SMA.
5. **Flood Zone:** According to the most recent Flood Insurance Rate Map (FIRM), the subject property is located within Flood Zone "X".

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

The subject area is approximately 600 feet from the coastline. Therefore, the proposed project will not affect the recreational resources available to the public.

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.

The estimated project cost of approximately \$12,000 is not in excess of \$125,000.

Upon review of the application, the Department of Public Works (DPW), Engineering Division has stated that *"Should a watercourse affect the property, it shall not be altered without first obtaining approval from DPW and a grading permit. A flood study may be required under Chapter 27 of Hawaii County Code for watercourse alteration"*. Enclosed is a copy of their February 14, 2007 memorandum.

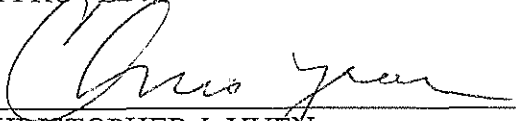
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 07-000049** is hereby approved to establish and continue the existing Miloli'i Transfer Station, subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved SMA Minor Permit No. 07-000049, 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 comply with all applicable requirements of the State Department of Health, the County Department of Public Works and other affected agencies.
3. All applicable after-the-fact permits shall be secured within one (1) year from the date of approval of SMM 07-000049.
4. This permit will terminate two (2) years after the date of approval of the permit.
5. 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. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigative measures are taken for the discovery; with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.
6. 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)
7. 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

FEB 20 2007

Date

RECEIVED
FEB 15 2007


PLANNING DEPARTMENT
COUNTY OF HAWAII

**DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII**

DATE: February 14, 2007

Memorandum

TO : Christopher J. Yuen, Planning Director
Planning Department

FROM : Galen M. Kuba, Division Chief 
Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 06-000217)
Applicant: County of Hawaii, Dept. of Environmental Management
Location: Hopulua-Miloli'i Transfer Station
TMK: 3 / 8-9-004:007

We reviewed the subject application and our comments are as follows:

We have determined that the subject property is located within Flood Zone "X" according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA).

The above information is based on the most recent FIRM for the County of Hawaii. This memo does not imply that the referenced property will or will not be free from flooding or flood damage. Zone "X" is not a designated Special Flood Area. A property not in a Special Flood Hazard Area may be damaged by a greater flood than that predicted on the FIRM or from a local drainage problem not shown on the map. Should a watercourse affect the property, it shall not be altered without first obtaining approval from DPW and a grading permit. A flood study may be required under Chapter 27 of Hawaii County Code for watercourse alterations.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 327-3530.

KE
copy: ENG-HILO/KONA
PLNG-HILO