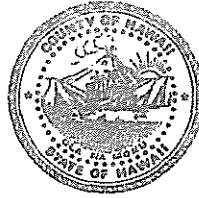


Harry Kim
Mayor



County of Hawaii
PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224
(808) 961-8288 • FAX (808) 961-8742

Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

October 9, 2007

Mr. Brian H. Sekiguchi
State of Hawaii, DOT
Airports Division
400 Rodgers Boulevard, Suite 700
Honolulu HI 96819-1880

Dear Mr. Sekiguchi:

Subject: Special Management Area Use Permit Assessment Application (SAA 07-000278)
Special Management Area Minor Permit No. 07-000065
Applicant: State of Hawaii, Department of Transportation, Airports Division
Land Owner: State of Hawaii
Request: Install a Remote Noise Monitoring Station
Tax Map Key: 2-2-32:60, Waiakea, South Hilo, Hawaii

This is to follow up on our August 8, 2007 letter relating to the above-referenced Special Management Area Assessment Application to install a remote noise monitoring station at the Waiakea Health Center site.

This property is designated Urban by the State Land Use Commission. It is also designated Medium Density Urban by the General Plan's Land Use Pattern Allocation Guide (LUPAG) Map and is zoned Neighborhood Commercial (CN-10) by the County.

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 proposed project does not qualify as exempt from the definition of "development". 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. 07-000065 is hereby issued to install a remote noise monitoring station on the parcel, subject to compliance with the conditions of approval as specified in the permit.

Mr. Brian H. Sekiguchi
State of Hawaii, DOT
Page 2
October 9, 2007

Finally, all other applicable Zoning and Building Code requirements must also be satisfied.

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

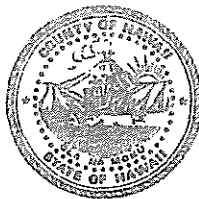
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Enclosure - SMM No. 07-000065

xc w/encls: Ms. Esther Imamura, Long Range Planning
Mr. Norman Hayashi, Planning Commission
Ms. Mary Lou Kobayashi, Acting Director – Office of Planning, DBED&T

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Special Management Area Minor Permit No. 07-000065

Project: Install a Remote Noise Monitoring Station
Applicant: State of Hawaii, Department of Transportation, Airports Division
Location: Waiakea, South Hilo, Hawaii
TMK: 2-2-32:60 **Land Area:** 1.9424 acres

Applicant's Request

1. Project Description:

The unmanned remote noise monitoring station will consist of a digital microphone atop a 20-foot tall folding mast, mounted on a five foot square concrete base. An electronics package in an enclosure on the mast contains the electronics which records the noise profile. Noise level data will be transmitted offsite for processing and returned to a PC computer and display in the Hilo Airport Manager's conference room.

2. Project Location:

This proposed Waiakea Health Center location is significant because it lies directly below the path of aircraft using Hilo Airport Runway 8-26. This station will significantly enhance the ability of Airports Division to assess arriving and departing aircraft noise levels at the west end of this runway. The project site will be in an unused side yard in the southwest corner of the property.

3. Purpose of Project:

The proposal is to install an aircraft noise monitoring system to assess noise levels and to respond to noise complaints received from Hilo residents.

4. Project Valuation: \$25,000

5. 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 install a remote noise monitoring system requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject property is 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 subject property for Medium Density Urban use.
3. **County Zoning:** The subject property is zoned Neighborhood Commercial (CN-10)
4. **Land Use Permit:** Hawaii County Zoning Code Section 25-5-102(a) states that "*Public uses and structures as permitted under section 25-4-11*" is allowed.

Section 25-4-11(c) states that "*Public uses, structures and buildings and community buildings are permitted uses in any district, provided that the director has issued plan approval for such use.*"

Public use, public building and public structure "*means a use conducted by or a structure or building owned or managed by the federal government, the State of Hawaii or the County to fulfill a governmental function, activity or service for public benefit and in accordance with public policy.*"

5. **Special Management Area (SMA):** Although the subject property is located in the SMA, the project site is at least 450 feet from the shoreline.
6. **Flood Zone:** VE

Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS), Regarding the Special Management Area
--

As stated above, the project site does not have frontage along the coastline and is at least 450 feet from the shoreline. Therefore, the proposed improvements 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, regarding 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 \$25,000 is not in excess of \$125,000.

The enclosed Department of Public Works, Engineering Division memorandum dated August 23, 2007, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated August 8, 2007 and have no objections to the request.

The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 07-000065** is hereby approved to install a remote noise monitoring station, subject to the applicant's compliance with the conditions of approval as specified below.

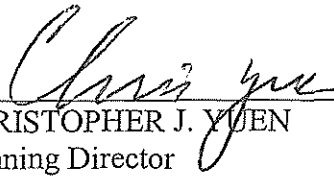
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 07-000065** 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 secure Plan Approval for the proposed development within two (2) years from the date of approval of this permit.
3. All construction activities in connection with this project shall be completed within one (1) year from the date of Plan Approval. The applicant shall immediately notify the Planning Department, in writing, upon the completion of the construction activities.
4. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
5. 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).
6. 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

10CT 09 2007
Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: August 23, 2007

Memorandum

TO: Christopher J. Yuen, Planning Director

FROM:  for Department of Public Works

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 07-000²⁷⁸266)

Applicant: State of Hawaii, Department of Transportation

Request: Install Remote Noise Monitoring Station

Tax Map Key: 2-2-32:060

We have reviewed the subject application for compliance with Chapter 27, Flood Control, forwarded by your memo dated August 8, 2007 and have no objections to the request.

The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.

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