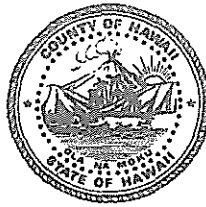


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

June 9, 2009

Mr. Sidney Fuke
100 Pauahi Street, Suite 212
Hilo HI 96720

Dear Mr. Fuke:

**Subject: Special Management Area Use Permit Assessment Application
(SAA 09-000456)**

Special Management Area Minor Permit No. 09-000114

Applicant: Kona Country Club, Inc.

Land Owner: Kona Country Club, Inc.

Request: Installation of sewer line within existing golf course

Tax Map Key: 7-8-010:036, Kahalu'u to Keauhou 1st, North Kona, Hawai'i

This is in response you the Special Management Area (SMA) Use Permit Assessment Application received in our office on May 20, 2009 for the installation of a sewer line within the existing golf course on the subject parcel. There was additional supporting material for the application provided on May 29, 2009 and June 1, 2009.

The 45.21 acre property is zoned Open by the County and designated Urban by the State Land Use Commission. The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the parcel as Resort Node.

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission Rule No. 9-4(10)(A)(i and ii) relating to Special Management Area, the definition of "development" includes the "*Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste,*" and "*Grading, removing, dredging, mining, or extraction of any materials.*"

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. 09-000114 is hereby issued to allow for the installation of a sewer line on the parcel, subject to the applicant's compliance with the conditions of approval as specified in the permit.

JUN 15 2009

Mr. Sidney Fuke

Page 2

June 9, 2009

Finally, all other applicable federal, state, and county requirements must also be satisfied.

Should you have questions, please feel free to contact Dana Okano of this department at 961-8288, extension 255.

Sincerely,



BJ LEITHEAD TODD
Planning Director

DO:cs

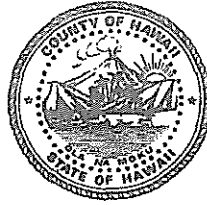
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Enclosures - SMM No. 09-000114
Department of Public Works June 3, 2009 Memo

xc w/encls: ~~Long Range Planning~~
Planning, Kona Office

xc ltr only: Mr. Abbey S. Mayer, Director – Office of Planning, DBED&T

William P. Kenoi
Mayor



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Phone (808) 961-8288 • Fax (808) 961-8742

Special Management Area Minor Permit No. 09-000114

Project: Installation of a sewer line within existing golf course
Applicant: Kona Country Club, Inc.
Land Owner: Kona Country Club, Inc.
Location: Kahalu'u to Keauhou 1st, North Kona, Hawai'i
TMK: 7-8-010:036

Applicant's Request

1. Project Description:

The applicant proposes to install a lift station, pump station and a 6-inch sewer line approximately 1,650 feet on the subject parcel from an existing cesspool at the existing clubhouse, through the existing golf fairway, and connecting to an existing sewer transmission line along Kaleiopapa Street.

2. Purpose of Project:

The project seeks to bring its facilities up to compliance with State of Hawai'i Department of Health and U.S. Environmental Protection Agency standards by terminating its existing cesspool and connecting to nearby wastewater systems.

3. Project Valuation:

\$75,000.

4. Determination:

Chapter 205A-22, HRS and Planning Commission Rule 9-4(10)A(i and ii) relating to the Special Management Area, states that "development" includes "*Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste*" and "*Grading, removing, dredging, mining, or extraction of any material.*" Therefore, the proposal to install a sewer line requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** Urban.
2. **General Plan:** Resort Node.
3. **County Zoning:** Open.
4. **Special Management Area (SMA):** The parcel is located within the SMA, though is not along the shoreline.
5. **Flood Zone:** According to the Flood Insurance Rate Map (FIRM), the subject property is located within Flood Zone "X".

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

Since the proposed improvements are over 800 feet from the shoreline, the requirement to obtain a certified shoreline survey is hereby waived.

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 ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Therefore, we have determined that the proposed installation of a sewer line will not have a substantial adverse effect on the environment.

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.

By enclosed memorandum dated June 3, 2009, the Department of Public Works – Engineering Division submitted the following comments regarding the subject application:

"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 Hawai'i. 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 Hawai'i 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."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 09-000114** is hereby approved to allow for the installation of a sewer line on the subject parcel, 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. 09-000114 subject to the following conditions:

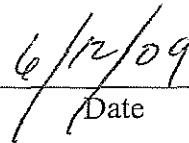
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. All requisite permits and proposed activities must be obtained and completed within one (1) year from the approval date of this permit.
4. The applicant shall erect a construction barrier meeting with the approval of the Planning Department around the project site. The construction barrier shall be erected prior to the commencement of any construction, clearing, grading or other land altering activities and shall remain in place until the Department of Public Works has granted Final Approval for all Permits issued in connection with the subject project.
5. The applicant(s) shall ensure that excessive siltation and turbidity are contained or otherwise minimized through the use of silt containment devices or barriers.
6. All construction debris must be removed from the SMA and disposed of in an appropriate location.
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:



BJ LEITHEAD TODD
Planning Director


Date

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII


PLANNING DEPARTMENT
COUNTY OF HAWAII

2009 JUN -3 PM 3:01

DATE: June 3, 2009

Memorandum

TO : B. J. Leithead-Todd, Planning Director
Planning Department

FROM : Galen M. Kuba, Division Chief 
Engineering Division

SUBJECT : Special Management Area Use Permit
Assessment Application (SAA 09-000456)
Applicant: Kona Country Club, Inc.
Location: Kahalu'u – Keauhou 1st, North Kona Hawaii
TMK: 3 / 7-8-010:036

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

