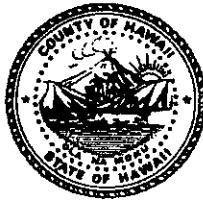


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

County of Hawai'i

PLANNING DEPARTMENT

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Special Management Area Minor Permit No. 11-000188

Project: Install a Pad and Transformer on TMK: 7-5-8:10 to Benefit TMK: 7-5-7:21
Applicant: Hawai'i Electric Light Company, Inc. (HELCO)
Location: North Kona, Hawai'i
TMK: 7-5-8:10 **Landowner:** State of Hawai'i **Land Area:** 3.2 acres
TMK: 7-5-7:21 **Landowner:** Kailua Kona Village Development Group
Land Area: 4.077 acres

Applicant's Request

1. Project Description:

The applicant proposes to install an apx 8.5 x 8.5 foot concrete transformer pad on a 22 x 16 DLNR easement and to install an upgraded transformer on the pad to provide electrical power to TMK: 7-5-8:10 (Hale Halawai) and to Kona Inn on the adjacent TMK: 7-5-7:21.

On August 12, 2010, the Department of Land and Natural Resources approved an Exemption Notification regarding the preparation of an environmental assessment, pursuant to Exemption Class No. 6, "*Construction or placement of minor structures accessory to existing facilities.*"

2. Purpose of Project:

The electrical equipment serving Kona Inn is dated and in need of upgrade for various reasons. The Kona Inn Shopping Village parcel does not have sufficient room to construct its own new facility that would enable truck access to upgrade the substandard facilities on its property. The proposed project would involve installing a larger, upgraded pad-mounted electrical transformer to service both the state property and the adjoining Kona Inn Shopping Village property.

3. Project Valuation: \$41,500

4. Determination:

Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)1)(B) and(E) relating to the Special Management Area, states that "Development" includes "*Grading, removing, dredging, mining, or extraction of any materials*" and "*Construction, reconstruction,*"

demolition, or alteration of the size of any structure", respectively. Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** Both parcels are designated Urban.
2. **General Plan:** Both parcels are designated Open and Resort Node by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **Kona Community Development Plan (KCDP):** The proposed activity is not contrary to the goals, objectives and policies of the KCDP.
4. **County Zoning:** TMK: 7-5-8:10 is zoned Open (O) while TMK: 7-5-7:21 is zoned Resort-Hotel (V-.75).
5. **Special Management Area (SMA):** The subject properties are located in the SMA and have frontage along the shoreline. However, the project area is along Ali'i Drive. Therefore, it is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
6. **Flood Zone:** Flood Zone "X".

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

The subject properties have frontage along the ocean. However, the project site is along Ali'i Drive. 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 \$41,500 is not in excess of \$125,000.

The enclosed Department of Public Works (DPW), Engineering Division memorandum dated August 9, 2011 states the following:

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

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

Flood Zone "X" (shaded) are areas of the 500-year flood; areas of the 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from the 100-year flood.

Flood Zone "X" (shaded) areas are not regulated as Special Flood Hazard areas but may be subject to flooding. We recommend flood resistance construction."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 11-000188** is hereby approved to install a pad and transformer on TMK: 7-5-8:10 to benefit TMK: 7-5-7:21, subject to the applicant's compliance with the conditions of approval as specified below.

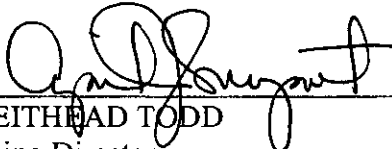
Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 11-000188**, 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 other affected agencies.
3. The applicant shall secure a building permit within two (2) years from the date of approval of this permit.
4. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or wall be encountered, work in the immediate area shall cease and 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.
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:



for BJ LEITHEAD TODD
Planning Director

8.17.11
Date