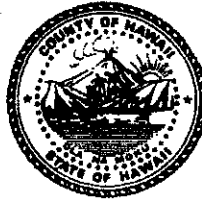


William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**County of Hawai'i**  
**PLANNING DEPARTMENT**

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

**Special Management Area Minor Permit No. 13-000256**

**Project:** Two-Lot Subdivision, Installation of a Temporary (Mobile) Substation and Construction of a New Electrical Substation  
**Applicant:** Hawai'i Electric Light Company, Inc. (HELCO)  
**Land Owner:** Teresa I. Prekaski  
**Location:** North Hilo, Hawai'i  
**TMK:** 3-1-3:17 **Land Area:** 28.238 acres

**Applicant's Request**

**1. Project Description:**

HELCO proposes to subdivide and purchase an approximately 3-acre portion of the subject parcel with an approximately 6,081 square feet easement obtained for additional access. A mobile (temporary) substation will be installed prior to the subdivision application and construction of the new Hakalau substation.

Proposed are the following:

- a. Grade and excavate for the substation and access
- b. Install various close-to-grade concrete pads for various electrical devices to increase capacity of the substation to accommodate new customer services and future growth
- c. Install perimeter fence
- d. Install and use a temporary (mobile) substation pending subdivision
- e. Exterior lighting will be installed but only used in unusual circumstances when a night visit is required for unexpected maintenance; otherwise off; will be suitable located and shielded

**2. Purpose of Project:**

The existing Hakalau substation that serves the area roughly from Hakalau to Nīnole is obsolete and nearing overload within the next 12 months, so it will be decommissioned. The proposed project will be a substitution for the current Hakalau facility to supply reliable and updated electrical power.

**3. Project Valuation: \$440,000**

**4. Determination:**

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(e)(1) relating to the Special Management Area, "Development" includes the following:

- (A) *Placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste*
- (B) *Grading, removing, dredging, mining, or extraction of any materials*
- (C) *Change in the density or intensity of use of land, including but not limited to the division or subdivision of land*
- (E) *Construction, reconstruction, demolition, or alteration of the size of any structure*

Therefore, the proposed project requires a Special Management Area (SMA) Minor Permit.

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| <b>State and County Plans</b> |
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1. **State Land Use District:** The subject property is designated Agricultural.
2. **General Plan:** The parcel is designated Important Agricultural Land by the General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** It is zoned Agricultural (A-20a).
4. **Special Management Area (SMA):** Although the subject property is partially within the SMA, the project site is mauka of the Hawai'i Belt Road and over 300 feet from the top of the coastal pali. Therefore, it is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zone:** Flood Zone "X"

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| <b>Compliance with Objectives and Policies of Chapter 205A, Hawaii Revised Statutes (HRS),<br/>Regarding the Special Management Area</b> |
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The subject parcel is mauka of the Hawai'i Belt Road and over 300 feet from the coastal pali. Therefore, the proposed improvements will not affect public access to the shoreline or negatively affect shoreline 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 Hawai'i 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 \$440,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated January 9, 2013 states the following:

*"We reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated January 3, 2013 and have no objections to the request.*

*The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency and is identified as an area of "minimal tsunami inundation". The parcel, at elevation 260 feet, is designated as Zone X (an area determined to be outside the 500-year floodplain). The Federal Government and the County of Hawai'i do not have any regulations for developments within areas of minimal tsunami inundation and Zone X."*

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 13-000256** is hereby approved for the two-lot subdivision, installation of a temporary (mobile) substation and construction of a new electrical substation on the subject parcel. This approval is 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. 13-000256** subject to the following conditions:

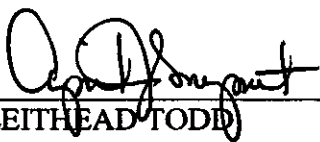
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all required permits from affected state and county agencies as necessary to comply with all applicable laws and regulations.
3. The two-lot subdivision and substation improvements shall be completed within three (3) years from the date of approval of this permit.
4. Artificial light from exterior lighting fixtures, including, but not necessarily limited to floodlights, uplights or spotlights used for decorative or aesthetic purposes shall be prohibited if the light directly illuminates, or is directed to project across property

boundaries toward, the shoreline and ocean waters, except as may otherwise be permitted pursuant to Section 205A-71(b), Hawaii Revised Statutes.

5. 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.
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.

If you have questions, please contact Esther Imamura of this office at (808) 961-8139.

APPROVED:

  
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BJ LEITHEAD TODD  
Planning Director

1-25-13  
Date