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County of Hawai'i
PLANNING DEPARTMENT

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Special Management Area Minor Permit No. 13-000275

Project: Ke'ei Wastewater Improvements Project
Applicant: Kamehameha Schools Bishop Estates (KSBE)
Land Owner: Kamehameha Schools Bishop Estates (KSBE)
TMK: 8-3-6:19 Land Area: 12,197 sq. ft.
8-3-6:30 Land Area: 32,670 sq. ft.
8-3-6:33 Land Area: 38,768 sq. ft.
8-3-4:Por. of 1 Land Area: 410.23 acres
South Kona, Hawai'i

Applicant's Request

1. Project Description:

KSBE properties in Ke'ei are not connected to the County's wastewater system. The proposed improvements include upgrading the wastewater facilities on three residentially leased properties (Parcels 19, 30 and 33) from cesspool systems to aerobic septic systems. The aerobic system will be placed underground and consist of chlorine tank, aerobic unit, transmission lines, and possibly a leach field. These project sites range from 102 feet to 595 feet from the ocean and the house sites are all mauka of enclosure stone walls.

On Parcel 1, Halau Maluhia has an existing composting toilet facility (separate structure) which will be converted to an aerobic system. The project site is approximately 200 feet from the vegetation line on the beach and is east of existing structures.

2. Purpose of Project:

Upgrading the wastewater facilities will improve public health and safety to the Ke'ei community by providing a better disposal method for domestic wastewater.

3. Project Valuation: \$120,000.00

4. Determination:

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

- (E) Construction, reconstruction, demolition, or alteration of the size of any structure.
- (B) Grading, removing, dredging, mining or extraction of any materials
- (A) Placement or erection of any solid material or any gaseous liquid, solid, or thermal waste;

Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject properties are all designated Conservation by the State Land Use (SLU) Commission.
2. **Department of Land and Natural Resources, State Historic Preservation Division (SHPD):** By letter dated June 26, 2013, SHPD believes that because no historic properties were recorded in the area of potential effects for this project, no historic properties will be affected.
3. **General Plan:** The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject properties as Open.
4. **Kona Community Development Plan (KCPD):** Guiding Principle No. 1 is to *"Protect Kona's natural resources and culture"*.
5. **County Zoning:** Because the State Land Use designation is Conservation, there is no County Zoning per se.
6. **Special Management Area (SMA):** Although all properties are located in the SMA, only Parcel 1 has frontage along the coastline. However, the sites of all improvements range from 102 feet to 595 feet from the coastline. Therefore, it is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
7. **Flood Zone:** Parcels 19 and 30 are in Zone VE. Parcels 33 and 1 are in Zone X.

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

Only Parcel 1 has frontage along the coastline. However, the project areas range from 102 feet to 595 feet from the coastline. 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 tsunamis, 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 accessory to the existing use and is consistent with the Hawai'i County General Plan.

The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$120,000 is not in excess of \$500,000.

The enclosed Department of Public Works – Engineering Division memorandum dated March 20, 2013 states the following:

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

We have determined that the proposed individual wastewater system project areas are located within the following Flood Zones according to the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA):

TMK: 8-3-006:019 and 030 Zone VE

TMK: 8-3-006 033 and TMK: 8-3-004:Por. 1 Zone X

The above information is based on the most recent FIRM for the County of Hawaii. Zone "X" is not a designated Special Flood Hazard Area. A Zone "X" designation does not imply that the referenced property will be free from flooding or flood damage. A property may be damaged by a greater flood than that predicted on the FIRM.

Alterations within Zone VE may be subject to the requirements of Chapter 27 – Flood Plain Management, of the Hawai'i County Code.

Should there be any questions concerning this matter, please feel free to contact Kiran Emler of our Kona Engineering Division office at 323-4851."

Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 13-000275** is hereby approved to allow for the Ke'ei wastewater Improvements Project on the subject parcels.

Conditions of Approval

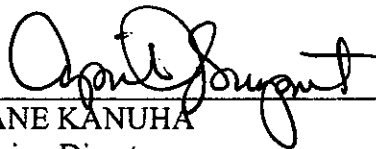
The Planning Director has approved **SMA Minor Permit No. 13-000275** subject to the following conditions:

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 affected departments and agencies of the State and County of Hawai'i and the Federal government.
3. A Conservation District Use Permit from the Board of Land and Natural Resources or other written approval from the Department of Land and Natural

Resources, Office of Conservation and Coastal Lands must be obtained for the project within one (1) year from the date of approval of this permit.

4. Construction of the proposed improvements shall be completed within two (2) years from the date of approval of the Conservation District Use Permit.
5. Backfilling and closing of the cesspools and composting toilet facility in a manner approved by the Department of Health shall occur immediately upon final inspection of the new aerobic systems.
6. Best Management Practices (BMPs) must be followed to ensure that the areas makai of the project sites be kept clear of any rubbish or debris resulting from all construction activities.
7. In the event that historic resources, including human skeletal remains, structural remains, sand deposits, midden deposits, or lava tubes are identified, all work in the immediate area of the find shall cease, the find must be protected from additional disturbance and the Department of Land and Natural Resources, State Historic Preservation Division (SHPD) contacted at (808) 933-7653. The Planning Director shall also be immediately notified at (808) 961-8288. 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 SHPD.
8. 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).
9. 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:


DUANE KANUHA
Planning Director

7-1-13
Date