

William P. Kenoi  
Mayor



Duane Kanuha  
Director

Bobby Command  
Deputy Director

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. 13-000293**

**Project:** Construction of Composting Toilet Restroom Facility  
**Applicant:** Kamehameha Schools  
**Land Owner:** B.P Bishop Estate  
**Location:** Kahuwai, Puna, Hawai'i  
**TMK(s):** (3) 1-4-003:038      **Land Area:** 5 acres

**Applicant's Request**

**1. Project Description:**

The applicant proposes the construction of a new composting toilet restroom facility to replace the existing temporary toilets on the property. The complete restroom facility package will be self contained, with no water requirements, and includes the solar panel kit. The new restroom facility will be set on leveled base course with no excavation or disturbance if the land. Wood steps made of treated wood will be built to access the elevated restroom facility.

**2. Purpose of Project:**

The objective of the project is to provide permanent support toilet facilities to the existing building. As the building is often used for learning activities with large groups of students, support toilet facilities are desirable. The current temporary toilet situation is not only an ongoing third-party maintenance issue, but does not fit the sustainability intents if Kamehameha Schools. The composting toilets provide a sustainable, permanent, and more attractive restroom solution.

**3. Project Valuation: \$20,000.**

**4. Determination:**

According to Chapter 205A-22, Hawai'i Revised Statutes (HRS), and Planning Commission (PC) Rule No. 9-4(e) (1) (E), "development" includes "Construction, reconstruction, demolition, or alteration of the size of any structure." Therefore, the construction of a new composting toilet restroom facility is considered to be development and will be reviewed against the Special Management Area rules.

### State and County Plans

1. **State Land Use District:** The subject parcel is designated Agricultural and Conservation by the State Land Use (SLU) Commission.
2. **General Plan:** The Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designation is Open and Important Agricultural Lands.
3. **County Zoning:** The subject parcel is zoned A-1a (Single Family Residential) by the County of Hawai'i. However, the project area is within the Conservation District, where there is no county zoning, per se.
4. **Special Management Area (SMA):** The subject parcel is located entirely within the Special Management Area. However, the project area is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.
5. **Flood Zone:** X.

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

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 Hawai'i 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.

<b>Findings</b>
-----------------

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 objectives, policies, and SMA guidelines of Chapter 205A, HRS.

The estimated project cost of approximately \$20,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated December 3, 2013, states the following:

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

*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 9-10(e), Special Management Area Minor Permit No. 13-000291 is hereby approved for the construction of a new composting toilet restroom facility on the subject property.

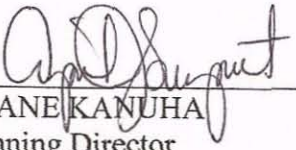
<b>Conditions of Approval</b>
-------------------------------

The Planning Director has approved **SMA Minor Permit No. 13-000293** 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. The landowner, applicant, successors or assigns shall not impede or otherwise restrict lateral pedestrian access along the shoreline.
4. The Building Permit for the restroom facility shall be issued within one (1) year from the date of this permit.
5. All construction activities shall be completed within two (2) years from the date of this permit.
6. Any further grading, grubbing, filling or other construction activity, including but not limited to, the construction of structures of any type shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
7. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate area shall cease. 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.
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

12-30-13  
Date