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PLANNING DEPARTMENT

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Special Management Area Minor Permit No. 14-000306

Project: Construction of a HI-5 Redemption Center
Applicant: Jeri Pankey, HMP, Inc., dba Business Services Hawai'i
Landowner: Athay Family Trust
Location: Hōlualoa, North Kona, Hawai'i
TMK: (3) 7-7-015:071 **Land Area:** 22,503 s.f.

Applicant's Request

1. Project Description:

Proposed is the grubbing and grading of approximately fifty-percent of the subject parcel, construction of three driveway entrance/exits, installation of an approximately 378 s.f. tent structure, installation of a 98 s.f. mobile office structure, placement of roll-off bins for recyclable collection, installation of perimeter fencing, and landscaping in support of the development of a HI-5 redemption center.

2. Purpose of Project:

The project will provide the public with a location to redeem HI-5 beverage containers.

3. Project Valuation: \$10,000 or less

State and County Plans

- 1. State Land Use District:** The parcel is located in the State Land Use Urban District.
- 2. General Plan:** The parcel is designated as Medium Density Urban by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
- 3. County Zoning:** The parcel is zoned Neighborhood Commercial (CN-7.5) by the County of Hawai'i.
- 4. Special Management Area:** The subject property is located entirely within the SMA, however, it 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

Checked boxes below indicate that the objectives and policies are found to be consistent with the proposed development. Issuance of a SMA Minor Permit requires that the activities, uses, or operations 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.

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 redemption center is considered a permitted use in CN zoned districts per Chapter 25-5-102(a)(5) of the Hawai'i County Code.

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

The stated estimated project cost of \$10,000 is not in excess of \$500,000.

The enclosed Department of Public Works, Engineering Division memorandum dated July 17, 2014, states the following:

"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).

All driveway connections to a County road shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code. Multiple driveway approaches must be designed by an engineer and approved by the Director of the Department of Public Works. The applicant claims to have consulted with DPW regarding driveway approach locations shown on the proposed site plan. However, if we interpret the dimensions on the site plan correctly, the distances from any portion of the approaches to the intersection of property lines at the intersections do not comply with the 75 foot minimum required by Chapter 22.

The applicant proposes to finish the "used area" with 1-1/2 inch base course. We are concerned that there could be off-tracking of gravel to the street, therefore we would prefer that a stable paved surface be proposed.

Should there be any questions concerning this matter, please 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. 14-000306** is hereby approved for the establishment of a HI-5 redemption center on the subject property, subject to the applicant's compliance with the conditions of approval as specified below.

Approved Uses, Activities and Operations

Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 14-000306** is hereby approved for the establishment of a HI-5 redemption center on the subject property, subject to the applicant's compliance with the conditions of approval as specified below. No additional uses, activities or operations are permitted by this determination.

Conditions of Approval


The Planning Director has approved **SMA Minor Permit No. 14-000306**, 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. A fine meshed construction barrier of not less than 5' in height and meeting with the approval of the Planning Director shall be erected on or within the property lines prior to further land clearing activities. A sediment barrier meeting with the approval of the Planning Director shall be installed along the bottom of the construction barrier on the down slope portion of the property fronting Sea View Circle. The applicant shall arrange for an inspection by the Planning Department of all barriers once they have been installed.
4. All grubbed green waste shall be removed from the property and disposed of at an appropriate location designated by the Department of Environmental Management.
5. The proposed driveways shall conform to Chapter 22 of the Hawai'i County Code per the enclosed Department of Public Works, Engineering Division memorandum dated July 17, 2014.
6. Plan Approval, including a site drainage plan, shall be secured for the redemption center within one year of the date of this permit and prior to opening the facility to the public.

7. A Solid waste permit, redemption center certification, or other applicable approvals, shall be secured from the Department of Health, Solid and Hazardous Waste Branch within one year of the date of this permit and prior to opening the facility to the public.
8. Should the Planning Director receive substantiated complaints that the operations are having an adverse effect on the SMA, or should any of the conditions not be met or substantially complied with in a timely fashion, procedures to amend or revoke the permit shall be initiated.

If you have questions, please feel free to contact Lucas Mead of this department at (808) 961-8140.

APPROVED:


for DUANE KANUHA
Planning Director

JUL 30 2014

Date