



Planning Commission

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

June 18, 1991

Mr. Ken Melrose
Waikoloa Development Co.
P.O. Box 3028
Waikoloa, HI 96743

Dear Mr. Melrose:

Special Permit Application 91-7
Applicant: Waikoloa Sanitary Sewer Co.
Request: Wastewater treatment plant
TMK: 6-8-2:Portion of 19

The Planning Commission at its duly held public hearing on June 6, 1991, voted to approve your application, Special Permit No. 778, to allow the construction of a wastewater treatment plant and related improvements on 14.5 acres of land situated within the State Land Use Agricultural District. The site is located adjacent and to the north (makai) of the County's Affordable Housing Project, Waikoloa, South Kohala, Hawaii.

Approval of this request is based on the following:

The granting of this request would not be contrary to the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. The project area is classified as "E" or very poor for agricultural productivity by the Land Study Bureau's Overall Productivity Rating system and is not classified on the State's ALISH Map. The land is presently vacant and is not being cultivated for any crops. It is felt that the removal of 14.5 acres of vacant land will not significantly affect the agricultural potential of the property, especially in view of its close proximity to residential zoned districts and existing urban areas.

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The desired use will not adversely affect the surrounding area. The proposed wastewater treatment plant boundaries will be located approximately 70 feet from the nearest property (County's Waikoloa Affordable Housing project). Through the use of modern technology for odor attenuation, it is felt that the proposed use can be acceptably mitigated. Minimal traffic will be required for maintenance purposes.

The desired use will not unreasonably burden public agencies to provide roads and streets, water, drainage, school improvements, police and fire protection. The proposed development is an essential component to the County's affordable housing project and other service areas in Waikoloa Village. Access will be by a gravel road from the county's project. No other concerns were expressed by cooperating agencies.

Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. The Waikoloa Village area has rapidly developed within the recent years. The treatment system will provide proper disposal of waste generated by the planned growth.

Approval of this request is subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. A metes and bounds description shall be submitted prior to or in conjunction with plans for plan approval review.
3. Final Plan Approval of the first phase for the proposed project, including a facility for dewatering the sludge, shall be secured from the Planning Department within one year from the effective date of this permit. To assure adequate time for plan approval review and in accordance with Chapter 25-244 (Zoning Code), plans shall be submitted a minimum of forty-five days prior to the date by which plan approval must be secured. Plans for future phases shall likewise be submitted to the Planning Department for plan approval. Plans shall identify landscaping, parking, limits of floodways, and structures associated with the project.

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4. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
5. The applicant shall utilize odor mitigation measures/technology to minimize impacts to surrounding properties. The mitigation measures shall be approved by the Planning Department, in consultation with the Department of Health, Public Works and the Office of Housing and Community Development, prior to submitting plans for plan approval review.
6. Should any unidentified sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walks be encountered, work in the immediate area shall cease and the Planning Department shall be immediately notified. Subsequent work shall proceed upon an archaeological clearance from the Planning Department when it finds that sufficient mitigative measures have been taken.
7. Comply with all other applicable laws, rules, regulations and requirements, including those of the Department of Public Works and the Department of Health.
8. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, a listing of public complaints or problems relative to odor and their disposition, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.
9. An extension of time for the performance of conditions within the permit 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 General Plan or Zoning Code; c) granting of the time extension would not be contrary to

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the original reasons for the granting of the permit; and
d) the time extension granted shall be for a period not to
exceed the period originally granted for performance (i.e.,
a condition to be performed within one year may be extended
for up to one additional year). Further, should any of the
conditions not be met or substantially complied with in a
timely fashion, the Director shall initiate procedures to
revoke the permit.

This approval does not, however, sanction the specific plans
submitted with the application as they may be subject to change
given specific code and regulatory requirements of the affected
agencies.

Please feel free to contact Connie Kiriu or Anna Smith of the
Planning Department if there are any questions on this matter.

Sincerely,

Mike Luce

Mike Luce, Chairman Pro Tem
Planning Commission

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jdk

xc: Department of Public Works
Department of Water Supply
County Real Property Tax Division
West Hawaii Office
State Land Use Commission
DLNR
Department of Health
Office of Housing and Community Development

Bcc: Plan Approval Section