



Planning Commission

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

Lorraine R. Inouye
Mayor

CERTIFIED MAIL

November 12, 1992

Mr. Carl Carlson, Jr.
General Manager
Makalei Hawaii Corporation
72-3890 Hawaii Belt Road
Kailua-Kona, HI 96740

Dear Mr. Carlson:

Special Permit Application (SP 92-17)
Applicant: Makalei Hawaii Corporation
Request: Construct a Wastewater Treatment Facility
Tax Map Key: 7-2-06:Portion of 9

The Planning Commission at its duly held public hearing on October 29, 1992, voted to approve your application, Special Permit No. 826, to construct a wastewater treatment facility on 1.5± acres of land within the State Land Use Agricultural District. The project site is located within the Makalei Hawaii Subdivision, makai of the Mamalahoa Highway, approximately 13 miles north from Kailua-Kona and 32 miles south from Kamuela, Puukala and Kaulana, North Kona, Hawaii.

Approval of this request is based on the following:

The granting of this request would promote 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. In the case of the Agricultural District, the intent is to preserve or keep lands of high agricultural potential in agricultural use. The proposed project will be located within an area whose soils are of the

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Punalu'u Series, which are soils generally maintained in pasture. The soil is classified as "E" or "Very Poor" by the Land Study Bureau's Overall Master Productivity Rating and is not classified by the Department of Agriculture's ALISH map. The land is presently vacant and is not being cultivated for any crops. It is felt that the removal of 1.5± acres of land will have a negligible effect on the County's agricultural land inventory and will not significantly affect the agricultural potential of the remainder of the property. Therefore, it can be determined that the proposed use would not be contrary to the objectives of the State Land Use Law for the agricultural district.

The desired use will not adversely affect the surrounding properties. The proposed facility will be located within a portion of the Makalei Hawaii master-planned community identified to be retained in pasture. Surrounding lands are presently vacant or maintained in pasture. Through the use of modern odor attenuation measures, it is felt that any potential odor impact associated with the proposed use can be adequately mitigated. Minimal traffic will be required for maintenance purposes.

The desired use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Access to the project site will be via the internal subdivision roadways of Makalei Hawaii Subdivision. Water will be provided by the applicant's private water system which will also serve the Makalei Hawaii Subdivision development. Other affected agencies had no objections to the request.

The use will not substantially alter or change the essential character of the land and the present use. According to the applicant, the proposed facility will be of concrete-tile construction with metal roof and redwood siding. The design of the structure is intended to harmonize with the surrounding area.

While the project site is located within the Kona Field system, an on-site inspection of the project site by Department of Land and Natural Resources (DLNR) staff found no significant historic sites. The DLNR determined that the project will have "no effect" on historic sites.

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Unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established. With the development of the Makalei Hawaii master-planned community and the implementation of stricter wastewater disposal regulations, approval of this request would allow for the proper disposal of wastewater generated by the planned development.

Approval of this request is subject to the following conditions:

1. The applicants shall be responsible for complying with all stated conditions of approval.
2. Final Plan Approval 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 shall identify structures, driveway access and parking stalls associated with the proposed wastewater treatment facility. A metes and bounds description and map of the affected area shall be filed with the plans for plan approval.
3. Construction of the wastewater treatment facility shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. The applicant shall utilize odor mitigation measures/technology, meeting with the approval of the Department of Health, to minimize impacts to surrounding properties.
5. Access to the wastewater treatment facility shall be via the Makalei Hawaii Subdivision's internal roadways.
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.

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7. All other laws, rules, regulations and requirements of the Departments of Health and Public Works shall be complied with.
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, 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. The report shall include a list of any complaints received from surrounding property owners, related to the operation of the sewage treatment plant, and corrective measures taken by the applicant to address these complaints.
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 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.

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Please feel free to contact Connie Kiriu or Daryn Arai of the Planning Department at 961-8288 if you should have any questions on this matter.

Sincerely,

Mike Luce

Mike Luce, Chairman
Planning Commission

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jdk

xc: Mr. James Leonard
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Department of Health
West Hawaii Office
State Land Use Commission
DLNR
Mayor
Planning Director
Plan Approval Section