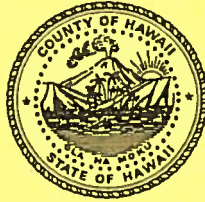


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

December 22, 2004

Mr. Jeffrey Melrose, Land Manager
Kamehameha Schools
Land Assets Division, Hawaii Island
P.O. Box 495
Paauilo, Hawaii 96776

Dear Mr. Melrose:


Special Management Area Use Permit Assessment Application (SMAA 04-102)
Special Management Area (SMA) Minor Permit No. 176 (SMM 176)
Applicant: Kamehameha Schools
Landowners: Kamehameha Schools
Project: Construction of Replacement Toilet Facilities
Tax Map Key: (3) 8-3-004:001 Ke'ei Nui, South Kona, Hawaii

By this letter we are transmitting the referenced SMA Minor Permit No. 176 and our determination that the proposed uses and activities within the State Land Use Conservation district are exempt from the requirement for the preparation of an Environmental Assessment.

The proposed project includes the replacement of the existing two-seat, nonconforming outhouse facility with two (2) Phoenix composting toilets. The new composting units will be installed in a new restroom facility located near the exiting outhouse site. The existing outhouse will be dismantled and the holes pumped out and filled in a manner approved by the Department of Health. Fill material will be brought in to level the immediate area around the new units and entry ramps will be installed as needed to make the facilities accessible to the handicapped.

Pursuant to §343-5(a)(2), HRS, any proposed use within any land classified as Conservation district by the State Land Use Commission requires the preparation of an environmental assessment before final approval of any permits necessary for the project. However, §11-200-8, Hawaii Administrative Rules (HAR), provides for the granting of an exemption by the approving agency from the preparation of an environmental assessment provided that agency obtain the advice of other outside agencies or individuals having jurisdiction or expertise as to the propriety of the exemption.

Hawai'i County is an equal opportunity provider and employer.


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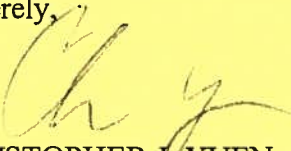
Mr. Jeffrey Melrose
Kamehameha Schools
Page 2
December 22, 2004

The replacement or reconstruction of existing structures and facilities where the new structure or facility will be located generally on the same site and will have substantially the same purpose, capacity, density, height and dimensions as the structures replaces is among the list of exempt classes of action listed in §11-200-8(a), HAR.

Therefore, the Planning Department, in consultation with the State Department of Health – Clean Water Branch and the Office of Environmental Quality Control, and the Department of Land and Natural Resources – Office of Conservation and Coastal Lands, has determined that the proposed project is an exempt class of action as provided for under §11-200-8(a)(2), HAR and the preparation of an Environmental Assessment pursuant to Chapter 343, Hawaii Revised Statutes shall not be required.

Should you have questions, please feel welcome to contact Larry Brown or Esther Imamura of my staff at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

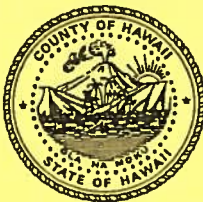
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Encl: SMM 176

xc: Ms. Susan Gagorik – Long Range Planning
Mr. Norman Hayashi – Planning Commission, w/encl.

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Special Management Area Minor Permit No. 176

Project: Construction of Replacement Toilet Facilities
Applicant: Kamehameha Schools
Land Owner: Kamehameha Schools
Location: Ke'ei, South Kona, Island & County of Hawaii, Hawaii
TMK: (3) 8-3-004:001

Applicant's Request

1. Project Description:

The applicant proposes to replace an existing two-seat, nonconforming outhouse facility with two (2) Phoenix composting toilets. The new composting units will be installed in a new restroom facility located near the existing outhouse site. The existing outhouse will be dismantled and the holes pumped out and filled in a manner approved by the Department of Health. Fill material will be brought in to level the immediate area around the new units and entry ramps will be installed as needed to make the facilities accessible to the handicapped.

2. Purpose of Project:

The project is proposed to upgrade the existing restroom facilities and to make the facilities accessible to the handicapped.

3. Project Valuation: \$50,000.00

4. Determination:

According to Chapter 205A-22, HRS, and Planning Commission Rule No. 9-4(10)(A), relating to the Special Management Area, "development" includes the following:

- (i) *Placement or erection of any solid material or any gaseous liquid, solid, or thermal waste;*
- (v) *Construction, reconstruction, or alteration of the size of any structure.*

Therefore, the proposed project requires a SMA Minor Permit.

State and County Plans

1. **State Land Use District:** The subject property is designated Conservation by the State Land Use (SLU) Commission.
2. **General Plan:** The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the subject property for Open uses.
3. **County Zoning:** The subject property is not subject to the Hawaii County Zoning Code.
4. **Special Management Area:** The subject property is located in the SMA.

Compliance with Objectives and Policies of Chapter 205A, Hawaii 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 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 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 development is accessory to the existing use and is consistent with the Hawaii 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 \$50,000 is not in excess of \$125,000.

The Department of Public Works – Engineering Division submitted the following comments, dated November 8, 2004, regarding the subject SMAA.

“We have reviewed the subject application and find the proposed buildings are not located within a Special Flood Hazard Area on the Flood Insurance Rate Map (FIRM).

All buildings shall conform to all requirements of code and statutes pertaining to building construction.

Should there be any questions concerning this matter, please contact Kiran Emler of our Kona Engineering Division at 327-3530.”

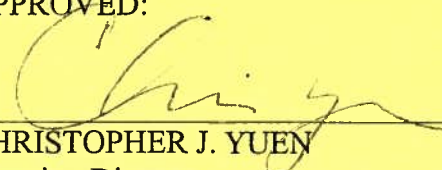
Pursuant to Planning Commission Rule Section 9-10(E), **Special Management Area Minor Permit No. 176** is hereby approved to allow for construction of the proposed restroom facility to house two (2) Phoenix composting units with handicap access ramps in the proximity of the existing nonconforming two-seat outhouse.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 176** 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 Hawaii and the Federal government.
3. Construction of the proposed improvements shall be completed within one (1) year from the date of this permit.
4. Demolition of the existing two-seat, nonconforming outhouse and pumping and filling of the holes in a manner approved by the Department of Health shall occur immediately upon final inspection of the new restroom facilities.
5. 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).
6. 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:


CHRISTOPHER J. YUEN
Planning Director

December 20, 2004
Date