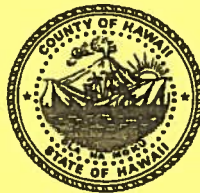


Harry Kim
Mayor



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

November 19, 2004

Jeffrey Melrose, Land Manager
Kamehameha Schools
Land Assets Division, Hawai'i Island
P.O. Box 495
Paauilo, Hawai'i 96776

Dear Mr. Melrose:

Subject: Special Management Area Assessment (SMAA) Application No. 04-102
Applicant: Kamehameha Schools
Owners: Kamehameha Schools
Project: Construction of Replacement Toilet Facilities
Tax Map Key: (3) 8-3-004:001 Ke'ei Nui, South Kona

This is in response to the subject SMAA application received on October 28, 2004. We understand the proposed project to include the construction of a two-unit composting toilet facility to replace the existing two-seat outhouse facility. Your application indicates a total cost/fair market value for the project of not more than \$50,000, including demolition and closing of the existing outhouse.

The subject 410.23-acre property is situated in the State Land Use Conservation district and in the Special Management Area (SMA) of Hawaii County.

Rule 9 of the Planning Commission Rules (PCR) of Practice and Procedure controls development within the SMA. Development is defined in §9-4(10)A and includes the construction, reconstruction, or alteration of the size of any structure. Regarding the proposed demolition of the existing outhouse, §9-4(10)B(vii) provides that the demolition or removal of structures, except those structures located on any historic site as designated in the Historic Sites Element of the General Plan, may be determined to be exempt from the definition of development by the Planning Director.

Based on the above, the proposed construction of a new two-unit composting toilet facility is determined to be development as defined by §9-4(10)A and that, after review by the Chief Engineer (Department of Public Works – Engineering Division) for compliance with Chapter 27

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

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Jeffrey Melrose
Kamehameha Schools
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November 19, 2004

of the Hawaii County Code, a SMA Minor Permit shall be required pursuant to §9-10E. However, the proposed demolition of the existing outhouse is determined to be exempt from the definition of "development" and does not require any further review against the SMA guidelines.

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.

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).

Therefore, by copy of this letter, we have distributed your application to the affected departments and agencies identified at the end of this letter for their review and comment. Pending the comments received, the Planning Department determines that the proposed development and use does not constitute an expansion or change of use beyond that previously existing and is exempt from the requirement to provide an environmental assessment.

We anticipate receipt of comments from the listed departments and agencies not later than December 17, 2004. In the absence of any response by that date we will assume they have no objections to the proposed project. Our issuance of the anticipated SMA Minor Permit and our determination of exemption from the need for an environmental assessment is hereby deferred pending our receipt of comments from the affected departments and agencies, but not later than December 23, 2004.

Jeffrey Melrose
Kamehameha Schools
Page 3
November 19, 2004

You are reminded that no on-site activities in connection with the proposed project shall occur prior to the issuance of the required pending approvals referenced in this letter. 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

LMB:cd

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xc: DOH – Clean Water Branch w/application
DOH – Office of Environmental Quality Control w/application
DLNR – OCCL w/application
Planning Commission
Mr. Norman Hayashi – Planning Division
Ms. Susan Gagorik – Long Range Division

November 16, 2004

Jeffrey Melrose, Land Manager
Kamehameha Schools
Land Assets Division, Hawai'i Island
P.O. Box 495
Paauilo, Hawai'i 96776

Dear Mr. Melrose:

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Applicant: Kamehameha Schools
Owners: Kamehameha Schools
Project: Construction of Replacement Toilet Facilities
Tax Map Key: (3) 8-3-004:001 Ke'ei Nui, South Kona

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Based on the above, the proposed construction of a new two-unit composting toilet facility is determined to be development as defined by §9-4(10)A and that, after review by the Chief Engineer (Department of Public Works – Engineering Division) for compliance with Chapter 27

Jeffrey Melrose
Kamehameha Schools
Page 2
November 16, 2004

of the Hawaii County Code, a SMA Minor Permit shall be required pursuant to §9-10E. However, the proposed demolition of the existing outhouse is determined to be exempt from the definition of "development" and does not require any further review against the SMA guidelines.

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.

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Therefore, by copy of this letter, we have distributed your application to the affected departments and agencies identified at the end of this letter for their review and comment. Pending the comments received, the Planning Department determines that the proposed development and use does not constitute an expansion or change of use beyond that previously existing and is exempt from the requirement to provide an environmental assessment.

We anticipate receipt of comments from the listed departments and agencies not later than December 17, 2004. In the absence of any response by that date will assume they have no objections to the proposed project. Our issuance of the anticipated SMA Minor Permit and our determination of exemption from the need for an environmental assessment is hereby deferred pending our receipt of comments from the affected departments and agencies, but not later than December 23, 2004.

You are reminded that no on-site activities in connection with the proposed project shall occur prior to the issuance of the required pending approvals referenced in this letter. 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

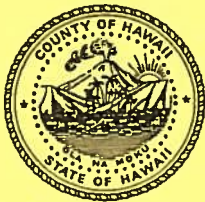
LMB:

Jeffrey Melrose
Kamehameha Schools
Page 3
November 16, 2004

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xc: DOH – Clean Water Branch w/application
DOH – Office of Environmental Quality Control w/application
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Planning Commission
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Deputy Director

County of Hawaii


PLANNING DEPARTMENT

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(808) 961-8288 • Fax (808) 961-8742

MEMORANDUM

November 1, 2004

TO: Bruce McClure
Director, Department of Public Works

FROM: Christopher J. Yuen
Planning Director 

SUBJECT: SMAA 04-102 / KAMEHAMEHA SCHOOLS
TMK: 8-3-004:001 Ke'ei Nui, South Kona

Attached is a copy of the referenced Special Management Area Assessment application and supplemental information submitted by the applicant to allow for the construction of composting toilet facility on the subject property.

Pursuant to Rule 9-10 E, Planning Commission Rules of Practice and Procedure, we request your written comments on the proposed activities and improvements. A written response with your comments for compliance with Chapter 27, Flood Control, by November 11, 2004 would be greatly appreciated.

Please feel welcome to contact Larry Brown at 961-8288 with any questions you may have.

LB:lmb

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Enclosure: Copy of SMAA 04-102

xc: Kiran Emler – West Hawaii, Eng. Div. w/encl.

NOV 01 2004

LINDA LINGLE
GOVERNOR OF HAWAII



PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DAN DAVIDSON
DEPUTY DIRECTOR - LAND

YVONNE Y. IZU
DEPUTY DIRECTOR - WATER



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

2004 DEC 7 10:15 AM
PLANNING
COUNTY
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Correspondence: HA 05-97

REF.:OCCL:TM

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

DEC - 3 2004

Dear Mr. Melrose,

SUBJECT: Replacement of Existing Comfort Facilities Located at Ke'ei Nui, South Kona, Island of Hawaii, TMK (3) 8-3-004:001

The Office of Conservation and Coastal Lands is in receipt of your letter dated October 22, 2004 regarding the construction of new facilities to replace the existing comfort facilities located at Palemano Point in Ke'ei Nui, South Kona.

According to your information, the facilities at Palemano Point were constructed in the 1940's to support military defense of South Kona during WWII. You are requesting determine as to what type of approval is necessary to replace the existing two-seat nonconforming outhouse. The proposal is to dismantle the existing outhouse structure, pump out any existing material and fill the holes in a manner approved by the Department of Health (DoH). The existing structure is approximately 63 square feet and approximately 7 feet high.

The proposed facility would be constructed nearby and involve the installation of 2 Phoenix composting units with a lower area for maintenance and an upper floor for restroom use. 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 handicapped accessible. A 100 square foot concrete slab will serve as the base for the unit and the approximate height of the facility is 7 feet at grade. An existing on-site caretaker would maintain the facility. Composted material shall be utilized as advised by the manufacturer.

Two different consultants have done Archaeological and Cultural Surveys. According to their information, it has been determined that due to prior use by the military, the vicinity surrounding the subject project area has been highly disturbed by prior land uses and utilization of heavy machinery.

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