

March 19, 1987

Mr. Masahiro Nishida, P.E.  
Okahara & Associates, Inc.  
200 Kohola Street  
Hilo, Hawaii 96720

Dear Mr. Nishida:

Tracing - White Sands Terrace  
TMK: 7-7-08:104, SMA 90

We have reviewed the subject construction plan and have enclosed the title sheet without our approval based on the following:

On January 25, 1979, the Planning Commission approved a Special Management Area Use Permit (SMA Use Permit No. 90) for the construction of 33 single family detached units and related improvements on the subject property. One of the related improvements was for the construction of an 8 inch waterline extension along Alii Drive to the subject property. Condition No. 5 stated "That plans shall be submitted to the Planning Department for Plan Approval within one year from the date of approval of the Special Management Area Use Permit. The petitioner shall be responsible for securing Final Plan Approval;". Condition No. 6 further states that "Construction of the improvement shall commence within one year of receipt of Final Plan Approval and shall be completed within two years thereafter."

On March 17, 1982, the Planning Commission voted to approve an extension of time to Condition No. 6 of SMA Use Permit No. 90. Condition No. 6 amended read "That actual construction of the improvements shall commence by May 20, 1983, and shall be completed within three (3) years thereafter." Since construction of the improvements were not made or completed, the permit by its conditions have since expired and no longer valid.

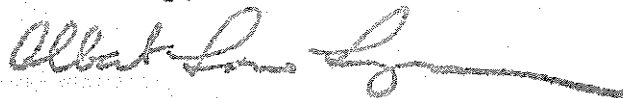
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In a letter dated February 23, 1983 to Mr. Carl Siersen, we reminded him of the said May 20, 1983 deadline to commence construction on the proposed 33 single family dwellings and related improvements. To date, no dwellings were constructed nor any of the related improvements made. According to the SMA Use Permit conditions, Condition No. 6 has not been met and therefore the SMA Use Permit is automatically void. In order to pursue the matter, a new SMA Use Permit Application must be filed for and approved by the Planning Commission before any approvals can be granted.

Should you have any further questions, please feel free to contact this office.

Sincerely,



ALBERT LONO LYMAN  
Planning Director

MO/TLK:lv  
Enclosure

cc: Carl Siersen

PLANNING COMMISSION

Planning Department  
County of Hawaii  
Hilo, Hawaii

Application for )  
 )  
SPECIAL MANAGEMENT AREA USE )  
PERMIT )  
 )  
by )  
CARL A. SEIERSEN ) SMA USE PERMIT NO. 90  
for )  
CONSTRUCTION OF 33 SINGLE )  
FAMILY DETACHED UNITS AND )  
RELATED IMPROVEMENTS )  
in )  
La'aloa 1st, North Kona )  
Hawaii )  
 )

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SPECIAL MANAGEMENT AREA USE PERMIT

The County Planning Commission at a duly held public hearing on January 25, 1979, considered the application of CARL A. SEIERSEN for a Special Management Area Use Permit in accordance with Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, to allow the construction of thirty-three (33) single family detached units and related improvements at La'aloa 1st, North Kona, Hawaii, Tax Map Key 7-7-08:104.

The Commission has found:

That the proposed development will not have any substantial adverse environmental or ecological effect. The area under consideration does not contain any known endangered plant or animal species nor does it contain habitat for such species. In addition, due to its location approximately 250 feet from the shoreline and the fact the surrounding areas are developed with single family dwellings, the proposed development is not expected to adversely affect the shoreline of the nearslide waters.

Although the proposed development will change the existing character of the land, aesthetic and pollution concerns can be minimized through conditions of approval or mitigated through existing rules and regulations. Further, the proposed development will not significantly detract from existing view plans. The subject area is mauka of Ali'i Drive and is well-screened by existing dwellings, landscaping and trees.

That the request is consistent with the single family residential element of the General Plan which encourage the development of single family units in areas already zoned for such uses and serviced by existing utilities. Although water availability is presently a problem in this area, it may be overcome by the improvement to the existing system.

That while there are concerns regarding the Historical Sites situated on the subject area, these sites can be adequately protected and preserved through the condition of approval.

Therefore, the Commission hereby grants to the petitioner a Special Management Area Use Permit to allow the construction of thirty-three (33) single family detached units and related improvements at La'aloa 1st, North Kona, Hawaii, pursuant to the authority vested in it by Rule No. 9, Rules and Regulations Relating to Environmental Shoreline Protection, subject to the following conditions:

1. That the proposed development shall substantially conform to the representations made by the petitioner and plans submitted with the application;
2. That during any grading and/or grubbing of the subject area, should any of the historical sites prove to be burials, work shall immediately cease until such time that an Archaeologist can properly record and then dismantle said site;
3. That prior to the issuance of a grading/grubbing permit, a record shall be made of all sites scheduled for destruction. Such record shall include a written description of the sites and photographs. The report shall be filed with the State Historic Preservation Office;
4. That in addition to sites 7 and 11 as identified in the September, 1978 Archaeological Reconnaissance Survey, which are proposed to be incorporated within the park area; the Great Wall of Kuakini; and the foot path along the North property line shall not be disturbed;
5. That plans shall be submitted to the Planning Department for Plan Approval within one year from the date of approval of the Special Management Area Use Permit. The petitioner shall be responsible for securing Final Plan Approval;
6. Construction of the improvement shall commence within one year of receipt of Final Plan Approval and shall be completed within two years thereafter;
7. That the requirements of the State Department of Health shall be complied with;

8. Should any subdivision of this area occur in the future, all requirements of the Subdivision and Zoning Codes, i.e., setback, lot size, access, etc.; shall be complied with. Furthermore, that no variances from these provisions shall be granted. Appropriate language to that effect shall be included in each instrument of conveyance for the property. A sample copy of this shall be submitted to the Planning Department prior to the issuance of Final Plan Approval; and

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APP-210180  
WOC*

9. That all other applicable rules, regulations and requirements shall be complied with.

Should these conditions not be met, the Special Management Area Use Permit may be deemed null and void by the Planning Commission.

The effective date of the permit shall be January 25, 1979.

Dated at Hilo, Hawaii, this 14th day of February, 1979.

William F. Mielcke, Chairman  
Planning Commission

APPROVED as to  
FORM and LEGALITY  
*Henry E. Pecht*  
DEPUTY CORPORATION COUNSEL  
COUNTY OF HAWAII  
Date FEB 12 1979