

CERTIFIED MAIL

October 28, 1987

Ms. Patricia Engelhard, Director  
Department of Parks & Recreation  
25 Aupuni Street  
Hilo, Hawaii 96720

Dear Ms. Engelhard:

Special Management Area Use Permit Application  
TMK: 7-8-14:1

The Planning Commission at its duly held public hearing on October 20, 1987, voted to approve your application, Special Management Area Use Permit No. 262, to allow repairs and improvements to the existing Kahalu'u Beach Park at North Kona, Hawaii.

Approval of this request is based on the following:

The proposed project consists of repairs and improvements to the existing Kahalu'u Beach Park. These repairs and improvements are not anticipated to have any substantial adverse environmental or ecological effects.

In addition, the proposed improvements and repairs will improve the existing coastal recreational resources of the County.

Also, since the area has been extensively improved to accommodate the existing beach park, the likelihood of any historic sites or rare or endangered species of plant or animal life being found on the property is negligible.

Additionally, since no activity is being proposed within the 40-foot shoreline setback area, it is felt that the proposed development will not interfere with the natural shoreline process.

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While there may be some adverse effect from noise and other impacts associated with the construction phase of the project, these impacts, however, will be short-term and can be mitigated by existing regulations.

The proposed project is consistent with the objectives, policies and SMA guidelines. These were established to provide guidance for the presentation, protection, and the development of coastal resources of the State and County. They identify several areas of management concern including historic, recreational, open space and scenic resources, coastal ecosystems, economic use and coastal hazards.

The proposed project is consistent with the General Plan and Zoning Code. A public park is a permitted use in the Open zone district. The following policy set forth in the General Plan Recreational Element also supports the proposal, "The County of Hawaii shall improve existing public facilities for optimum usage."

Based on the foregoing, it is determined that the proposed improvements will not have any substantial adverse effects on the environment; and therefore, will not be contrary to the purposes and intent of Chapter 205-A, HRS, relating to Coastal Zone Management; Rule No. 9 of the Planning Commission relating to Special Management Area; and the County of Hawaii General Plan and Zoning Code.

Approval of this request is subject to the following conditions:

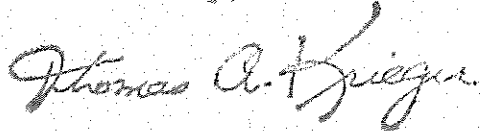
1. The petitioner, its successors or assigns, shall be responsible for complying with all of the stated conditions of approval.
2. Submit construction plans for plan approval within one year from the effective date of approval of the Special Management Area (SMA) Use Permit.
3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. Comply with all other applicable rules, regulations, and requirements.

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5. 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 petitioner, 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 may initiate procedures to nullify the permit.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,



Thomas A. Krieger  
Chairman, Planning Commission

cc: Department of Public Works  
Department of Water Supply  
County Real Property Tax Division  
Planning Office - Kona  
DBED, CZM Program w/background

bcc: Plan Approval Section