

CERTIFIED MAIL

July 5, 1989.

Mr. Cary Brockman
R. M. Towill Corporation
420 Waiakamilo Road, Suite 411
Honolulu, HI 96817-4941

Dear Mr. Brockman:

Special Management Area Use Permit Application
Petitioner: State of Hawaii, Department of Transportation
Airports Division
TMK: 7-3-43:Portions of 3 and 34

The Planning Commission at its duly held public hearing on June 27, 1989, voted to approve the above application, Special Management Area Use Permit No. 285, to allow the establishment of the Colonel Ellison S. Onizuka Memorial Facility and the Civil Air Patrol Facility and related improvements at Keahole Airport, North Kona, Hawaii.

Approval of this request is based on the following:

The proposed airport improvements are not anticipated to have any adverse environmental or ecological effects which cannot be mitigated through conditions of approval or current regulations.

Air, visual, and noise quality will be temporarily affected by the proposed improvements. However, these can be mitigated through the use of acceptable construction rules and practices.

Since the site has been previously altered for the airport activities, it is unlikely that any rare or endangered species of plant or animal can be found.

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The coastal ecosystem, recreational areas, and public shoreline access will not be significantly impacted due to the distance of the improvements from the shoreline. Preventive measures during refueling and hauling of lubricants and fuel used for construction will be the responsibility of the contractor.

The proposed development is consistent with the objectives, policies, and guidelines of the Special Management Area established under Chapter 205-A, Hawaii Revised Statutes (HRS), which provide for the preservation, protection, and development of coastal resources of the State and County. Because of the similar nature of the proposed development with existing uses on the subject property, the granting of this request will not significantly increase impacts to the coastal resources.

The proposal is consistent with the General Plan and the Hawaii County Zoning Code which designates the area for industrial activities. Furthermore, the proposed expansion of the Keahole Airport is consistent with General Plan goal set forth in the Transportation Element. This states:

"Provide transportation terminals and related facilities for the safe, efficient and comfortable movement of people and goods."

Based on the foregoing, it is determined that the granting of this permit will be consistent with Chapter 205-A, HRS, relating to Coastal Zone Management, Rule No. 9 of the Planning Commission relating to Special Management Area, and the Hawaii County General Plan and Zoning Code.

Approval of this request is subject to the following conditions:

1. The applicant, its successors, or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Final Plan Approval shall be secured within one year from the effective date of approval of the SMA Use Permit. To insure 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.

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3. Construction shall commence within one year from the date of receipt of Final Plan Approval and be completed within two years thereafter.
4. Should any unanticipated archaeological sites or remains such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, paving, or walls be encountered, work within the affected area shall cease, and the Planning Department contacted. Work in the affected area shall not continue until an assessment and further investigative recommendations are made.
5. Comply with all applicable laws, rules, regulations, and requirements.
6. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of the permit. The report shall address the status of the development and the compliance with the conditions of approval. 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.
7. 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.

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 the Planning Department if there are any questions on this matter.

Sincerely,



Gary Mizuno
Chairman, Planning Commission

xc: Mr. Owen Miyamoto
Department of Public Works
Department of Water Supply
County Real Property Tax Division
Planning Office - Kona
DBED, CZM Program w/background
DLNR/Honolulu

bcc: Plan Approval Section