

PLANNING DEPARTMENT - PLANNING COMMISSION  
COUNTY OF HAWAII  
Hilo, Hawaii

PERMIT NO. 87-26

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on September 9, 1987, an assessment on the application of JOHN & AMY TANAKA for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: Construct a retaining seawall, landscaping and related improvements within the 40-foot shoreline setback area at Wailea Bay, Lalamilo, South Kohala, Hawaii, TMK: 6-6-02:26.

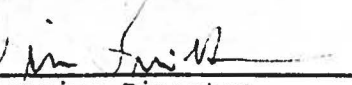
As indicated on the attached report, the Director finds that the proposed development is:

- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

Therefore, with concurrence of the Chief Engineer, the Director hereby grants to the applicant a minor use permit under the authority vested in him by Section 9.7.C of said Rules, with the following condition(s) that:

(SEE ATTACHED CONDITIONS)

  
Chief Engineer, DPW

  
Planning Director

Attachment

6257A-5/84

SMA Minor Permit No. 87-26: JOHN & AMY TANAKA  
Conditions

1. The petitioner, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The petitioner, its successors or assigns shall indemnify and hold the County of Hawaii harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. The proposed seawall shall not exceed a height of 2'-6" from the existing natural grade looking landward (east).
4. Public use of the seawall shall not be restricted or obstructed in any manner.
5. Secure a Shoreline Setback Variance from the Hawaii County Planning Commission.
6. Plans for the proposed improvements shall be submitted to the Planning Department within six months from the effective date of the shoreline setback variance, if approved.
7. Construction of the proposed improvements shall commence within six months from the date of Planning Department approval and be completed within one year thereafter. The Department shall be notified of the project's completion within two weeks from the date of completion. All construction and construction activity shall occur mauka of the certified shoreline as confirmed by the Chairman of the Board of Land and Natural Resources on April 13, 1987.
8. Comply with all other applicable rules, regulations and requirements.
9. 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 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 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.