

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 88-4

SPECIAL MANAGEMENT AREA MINOR USE PERMIT


The Planning Director completed on January 28, 1988, an assessment on the application of STANLEY GOMES OF GOMES ESTATES 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: Grubbing of portions of his property and the construction of a chain link fence. The property is situated along the mauka side of Ali'i Drive extending to Walua Road, portion of Puua, Waiaha 2nd, North Kona, HI, TMK: 7-5-18:8.


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

for 
Chief Engineer, DPW


Planning Director

Attachment

6257A-5/84

*Val = \$4,500
PT = 10 days*

SMA Minor Permit No. 88-4
STANLEY GOMES
Conditions

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Secure a grubbing permit from the Department of Public Works, Engineering and Surveys Division.
3. Comply with all other applicable rules, regulations, and requirements.
4. 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.

BACKGROUND

86-4
2154Q 2/1/88

Mr. Stanley Gomes of Gomes Estates is requesting a Special Management Area (SMA) Use Permit to allow grubbing of portions of his property and the construction of a chain link fence. The property is situated along the mauka side of Ali'i Drive extending to Walua Road, portion of Puaa, Waiaha 2nd, North Kona, Hawaii, Tax Map Key 7-5-18:8.

Specifically, the applicant proposes to grub approximately 6 acres of a 19.93 acre parcel. In addition, the applicant proposes to construct a 5-foot high chain link fence along 126-feet long property line of an adjacent property. The purpose of the project is to clear dead and fallen kiawe trees and to delineate the property line of an adjacent parcel.

The Hawaii County General Plan Land Use Pattern Allocation Guide (LUPAG) Map designates the area for Medium Density Urban uses. The State Land Use District classification is Urban and the County zoning designation is Single Family Residential with a minimum lot size 10,000 square feet (RS-10).

The subject property is undeveloped land covered with vegetation and kiawe trees. Adjacent properties contain single family dwellings and vacant lands.

According to the applicant, the Department of Water Supply bulldozed this section of the property in 1952 to construct a water line through a water easement on the property.

The Flood Insurance Rate Map (FIRM) prepared by the U.S. Army Corps of Engineers, denotes the property to be outside the flood high hazard area.

Since the area has been bulldozed in the past, it is unlikely that any sites of historic significance are existing on the sight nor does the area contain any habitats of endangered species of flora or fauna.

The subject property is situated approximately 75 feet from the shoreline.

RECOMMENDATION

An SMA Minor Use Permit is issued based on the following findings:

1. The total valuation of the proposal will not exceed \$65,000; and
2. The proposal will not result in a significant adverse effect on the Special Management Area.

The proposed project is consistent with the Special Management Area objectives, policies, and guidelines. These were established to provide guidance for the preservation, protection and development of the coastal resources of the State and County. The guidelines identify several areas of management concerns including recreational, historic, and scenic and open space resources, coastal ecosystems, economic uses, and coastal hazards.

Since no structures are proposed and due to the limited nature of the project proposal and since the subject area has previously been bulldozed, no adverse impacts are anticipated on these management concerns.

The grubbing activity and fence construction are consistent with the Single Family Residential zoning as well as the Medium Density Urban General Plan designation.

Based on the foregoing, it is determined that the granting of the request will not create a significant adverse effect on the environment and, therefore, will not be contrary to the purpose and intent of Chapter 205-A, HRS, relating to Coastal Zone Management; Rule 9 of the Planning Commission relating to the Special Management Area; the Hawaii County Zoning Code; or the General Plan.

A Special Management Area Minor Use Permit is approved subject to the following conditions:

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. Secure a grubbing permit from the Department of Public Works, Engineering and Surveys Division.
3. Comply with all other applicable rules, regulations, and requirements.
4. 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

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