

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 89-1

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on January 4, 1989, an assessment on the application of DAVID FITZGERALD 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: Allow an after-the-fact approval of the construction of two small storage sheds next to your bakery for the purpose of storing grain used in baking in North Hilo, TMK: 3-5-05:22.

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. 89-1

DAVID FITZGERALD

Conditions

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall secure Final Plan Approval within one year from the effective date of approval of the SMA Minor Use Permit.
3. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.
4. The applicant shall complete the construction within one year.
5. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) 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).

BACKGROUND

Applicant David Fitzgerald is requesting a Special Management Area (SMA) Use Permit to allow an after-the-fact approval of the construction of two small storage sheds next to their bakery for the purpose of storing grain used in baking. The cost of the sheds is \$850. The 14,898 square foot lot lies between the makai Mamalahoa Highway and the parallel Government Main Road, on a portion of Kihalani ahupua'a, North Hilo, TMK: 3-5-05:22.

The State Land Use Commission classification for the property is Urban. The General Plan Land Use Plan Allocation Guide (LUPAG) map designates the area for Median Density Urban uses. County Zoning for the property is Village Commercial with a minimum lot size of 10,000 square feet. Nearby surrounding properties are Residential, Commercial, Agricultural or Open zoning.

The subject property is presently being used for commercial and residential purposes. Surrounding properties are a mix of residential, commercial and agricultural uses.

The Flood Insurance Rate Map (FIRM) prepared by the U.S. Army Corps of Engineers (September 16, 1988, edition) does not cover the subject parcel.

The subject property has on it a commercial bakery and two residences 35-50 years old. There is also a paved area, on which the sheds are sitting.

The subject parcel and neighborhood have been subject to considerable development for a protracted time, consequently it is highly unlikely that either endangered species or historical sites occur on the subject parcel.

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 subject construction is not anticipated to have any adverse environmental or ecological effects.

The subject action 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, scenic and open space resources, coastal ecosystems, economic uses, and coastal hazards. Due to the limited nature of the project, it is determined that the granting of this request will not impact on the identified resources.

The subject construction is consistent with the present Urban district and Village Commercial zoning.

Based on the above, 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. The applicant shall secure Final Plan Approval within one year from the effective date of approval of the SMA Minor Use Permit.
3. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.
4. The applicant shall complete the construction within one year.
5. An initial extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) 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; 2) granting of the time extension would not be contrary to the general plan or zoning code; 3) granting of the time extension would not be contrary to the original reasons for the granting of the permit; and 4) 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).