

PLANNING DEPARTMENT - PLANNING COMMISSION  
COUNTY OF HAWAII  
Hilo, Hawaii

PERMIT NO. 91-13

SPECIAL MANAGEMENT AREA MINOR USE PERMIT


The Planning Director completed on May 20, 1991, an assessment on the application of CLAYTON KANESHIRO MANNING 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: to allow grubbing and/or grading of a driveway on the subject property. The property, consisting of 2.35 acres, is located along the west (makai) side of the access road to Kahakai Elementary School and adjacent to Alii Kai Subdivision in the Holualoa Partition Lots (Beach Series), North Kona, Hawaii, TMK: 7-6-17:68.

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:

PLEASE SEE ATTACHED CONDITIONS.

  
Chief Engineer, DPW

  
Planning Director

Attachment

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. A Grubbing and/or Grading Permit shall be obtained from the Department of Public Works before initiating any work on the site and within one year of approval of this SMA Minor Permit.
3. Prior to approval of a Grubbing and/or Grading Permit, the applicant shall:
  - a. Submit a copy each to the Planning Department and the Historic Preservation Division, Department of Land and Natural Resources, of an archaeological reconnaissance survey of the whole parcel 68 for review and acceptance.
  - b. If needed, supplementary work and a report shall be performed and accepted by the Planning Department and the Historic Preservation Division.
  - c. Specific recommendations and conditions derived from the archaeological survey or any other applicable source of information may be attached to the Grubbing and/or Grading Permit and also shall automatically become conditions of this SMA Minor Permit.
4. Prior to initiating any grubbing, the roadway shall be clearly marked on the ground by means of brightly colored surveyor ribbons spaced 10 feet apart, and the equipment operator shall be familiarized with these limits.
5. Should any unanticipated burials be encountered or uncovered, work in the affected area shall cease immediately and the Department of Land and Natural Resources, Historic Preservation Program, be notified. Work shall not resume until a clearance has been obtained from the Historic Sites Section.
6. The project is to be carried out exactly as described in this permit. Any deviations from the described operations will need to receive advance written approval from the Planning Department.
7. All other applicable rules, regulations and requirements shall be complied with.

8. 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 shall initiate procedures to revoke the permit.