



Planning Department

25 Aupuni Street, Rm. 109 • Hilo, Hawaii 96720 • (808) 961-8288

CERTIFIED MAIL

June 3, 1991

Dudley S. J. Seto, M.D.
1520 Liliha Street, Suite 607
Honolulu, HI 96817

Dear Dr. Seto:

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 91-17
Applicant: DUDLEY S. J. SETO, M.D.
Tax Map Key: 1-5-10:33

Upon careful review of your SMA Use Permit request, we have found that it complies with the requirements for a Minor Permit set forth in Rule 9.7 of the Planning Commission's Rules and Regulations Relating to Special Management Area.

Accordingly, please find enclosed an SMA Minor Use Permit No. 91-17 to allow grubbing of a portion of the subject parcel to make it cleaner and more sanitary at the makai side of the unimproved government coastal road which runs south of Hawaiian Paradise Park Subdivision, Makuu, Puna, TMK 1-5-10:33.

Please note that the permit approval is also subject to the following conditions:

1. The applicant, its successors, or assigns shall be responsible for complying with all conditions of approval.
2. A Grubbing Permit shall be obtained from the Department of Public Works before initiating any work on the site.
3. Prior to the approval of a Grubbing Permit, the applicant shall retain a professional archaeologist familiar with the archaeological report referenced below to locate and clearly mark the following exclusion areas:

(a) Mark the position of Feature C of Site 14985, utilizing the detailed archaeological map presented in the Chiniago Inc. April, 1991, archaeological report (or the equivalent attached map). The archaeologist shall establish the location of and clearly mark with closely spaced, brightly colored surveyor's ribbon and an interconnecting colored rope a 40-foot buffer zone around the whole of Feature C, such marking to be clear enough that a heavy equipment operator will have no difficulty in discerning it. The northernmost mauka-makai side of this exclusion area shall be continued in a makai direction until it intersects the marked Conservation District exclusion area boundary line referenced below.

(b) Similarly locate and mark a 20-foot buffer setback to the north from the wall identified as Feature A of Site 14985 as noted in (a) above and continue north as a 20-foot buffer setback west of the wall identified as Feature D until it intersects the buffer around Feature C.

4. Prior to the approval of a Grubbing Permit, the applicant or his agent shall accurately measure and clearly mark (as described below) a line along the makai side of the internal jeep trail, running easterly from the mauka boundary line to where it comes closest to Feature A of archaeological Site 14985. From this point, the marker line shall connect to the marked exclusion area line to the northwest of Feature A (see above).
5. The applicant or his agent shall clearly mark (as above) the Conservation District exclusion area boundary line. Said exclusion area shall be measured at a point along the northern boundary line 350 feet mauka of property's northeast corner pin and a comparable point along the southern boundary line 350 feet mauka of the southeast boundary pin. The applicant or his agent shall then run a straight line with clearly marked, closely spaced, brightly colored surveyor's ribbon and an interconnecting colored rope in a north-south direction, connecting those two designated points. The purpose of this exclusion area is to insure that County-permitted grubbing does not extend into the approximately-defined Conservation District, as indicated on the June 20, 1990 survey map of Land Use Commission Boundary Interpretation No. 90 44 (August 6, 1990).

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6. Prior to the approval of a Grubbing Permit and after the required marking of the exclusion areas has been accomplished, the applicant shall notify the Planning Department to make a compliance inspection of the site.
7. The grubbing activity shall be limited only to that portion of the property bounded by the Old Government Beach Road, the jeep trail, west of the exclusion areas, and the parcel's northern boundary line. The project is to be carried out exactly as described in the permit and attached Background statement. Any deviations from the described operations will need to receive advance approval from the Planning Department or they will be treated as violations of this permit.
8. Prior to actual on-site grubbing work, machine operators and any other personnel involved shall be notified of the nature and location of all archaeological features and exclusion areas. Notations of such shall be contained on the grubbing plans.
9. 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 Division, and the Planning Department shall be notified. Work shall not resume until clearance has been obtained from the Historic Preservation Division and the Planning Department. The machine operators should be particularly careful in the area around where the lava tube sinks near the north boundary.
10. All other applicable rules, regulations and requirements shall be complied with.
11. 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

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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.

Should you have any questions regarding the above, please do not hesitate to contact this department at 961-8288.

Sincerely,



NORMAN K. HAYASHI
Planning Director

AK:syw
1947D
Enclosures
cc: DPW/Engineering Division

bcc: Rick (w/Background and Recommendation)✓

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 91-17

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

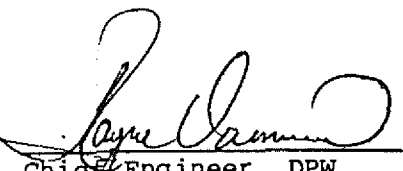
The Planning Director completed on May 31, 1991, an assessment on the application of DR. DUDLEY S. J. SETO for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is ~~XXX~~: to allow grubbing of a portion of the subject parcel to make it cleaner and more sanitary at the makai side of the unimproved government coastal road which runs south of Hawaiian Paradise Park Subdivision, Makuu, Puna, TMK 1-5-10:33.

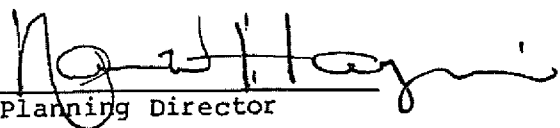
As indicated on the attached report, the Director finds that the proposed development is:

- 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

6257A-5/84

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 91-17
APPLICANT: DR. DUDLEY S. J. SETO
CONDITIONS

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2. A Grubbing Permit shall be obtained from the Department of Public Works before initiating any work on the site.
3. Prior to the approval of a Grubbing Permit, the applicant shall retain a professional archaeologist familiar with the archaeological report referenced below to locate and clearly mark the following exclusion areas:

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(b) Similarly locate and mark a 20-foot buffer setback to the north from the wall identified as Feature A of Site 14985 as noted in (a) above and continue north as a 20-foot buffer setback west of the wall identified as Feature D until it intersects the buffer around Feature C.

4. Prior to the approval of a Grubbing Permit, the applicant or his agent shall accurately measure and clearly mark (as described below) a line along the makai side of the internal jeep trail, running easterly from the mauka boundary line to where it comes closest to Feature A of archaeological Site 14985. From this point, the marker line shall connect to the marked exclusion area line to the northwest of Feature A (see above). South
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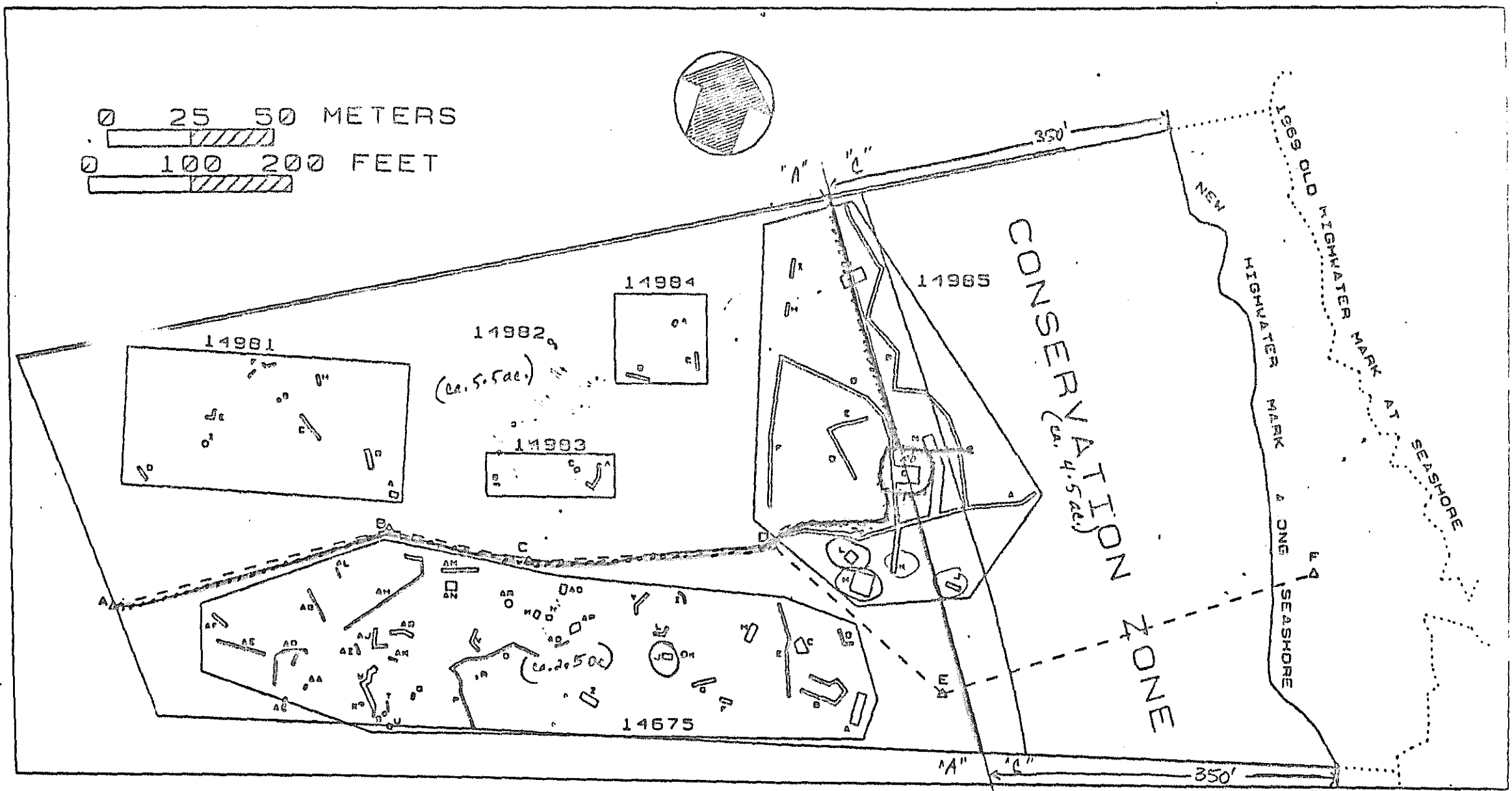
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contrary to the original reasons for the granting of the permit; and d) the time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended 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.

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