



Planning Department

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

Lorraine R. Inouye
Mayor

Norman K. Hayashi
Director

Tad Nagasako
Deputy Director

CERTIFIED MAIL

July 1, 1991

Mr. Peter Lukavich
P.O. Box 1014
Kailua-Kona, HI 96745

Dear Mr. Lukavich:

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 91-21
Applicant: Peter Lukavich
TMK: 1-4-69:19

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. 91-21 to allow the enlargement (by excavation) of an anchialine pond and to grub all or portions of the subject residential lot. The subject property, consisting of 9,364 square feet, is located about 800 feet mauka of the shoreline on Wai'opae Street within Vacationland Hawaii Subdivision, Puna, Hawaii, TMK: 1-4-69:19.

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. The applicant shall ensure that there is no water surface connection between the pond and the ocean both in its present and proposed conditions after construction, and further that no fill material will be placed in the pond at any time.
3. The applicant shall complete the excavation within one year of the date of this permit and the grubbing within two years of the date of this permit.
4. 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.

Mr. Peter Lukavich
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5. All other applicable rules, regulations and requirements shall be complied with.
6. 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).

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

FRW:smo
2277D
Enclosures

cc: Chief Engineer
West Hawaii Office (w/Encl)
SMA Section (w/Encl)

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 91-21

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on June 24, 1991, an assessment on the application of PETER LUKAVICH 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 the enlargement (by excavation) of an anchialine pond and to grub all or portions of the subject residential lot. The subject property, consisting of 9,364 square feet, is located about 800 feet mauka of the shoreline on Wai'opae Street within Vacationland Hawaii Subdivision, Puna, Hawaii, TMK: 1-4-69:19.

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

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 91-21
APPLICANT: PETER LUKAVICH
CONDITIONS

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall ensure that there is no water surface connection between the pond and the ocean both in its present and proposed conditions after construction, and further that no fill material will be placed in the pond at any time.
3. The applicant shall complete the excavation within one year of the date of this permit and the grubbing within two years of the date of this permit.
4. 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.
5. All other applicable rules, regulations and requirements shall be complied with.
6. 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).

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.