

## 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

January 22, 1992

Ms. C. J. Kimberly  
P. O. Box 5600  
Kailua-Kona, HI 96745

Dear Ms. Kimberly:

Special Management Area (SMA) Minor  
Use Permit No. 91-28  
Applicant: C. J. Kimberly  
TMK: 7-8-12: 83

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 a SMA Minor Use Permit No. 91-28 to allow placement of fill and to grade a house pad and pool site in preparation for later construction of a single family dwelling and a swimming pool on the subject property. The 19,768 square foot parcel is a portion of Keauhou Bay Lots subdivision, and it lies near the makai end of Kamehameha III Road, along the upper portion of Holua Road, Keauhou 1st, North Kona, Hawaii, TMK: 7-8-12: 83.

Specifically, the applicant plans to emplace and roll about 600 cubic yards of fill and base course, and thereupon to grade a 60' x 60' house pad and 30' x 60' pool site on a sloping lot in the subject subdivision. Additionally, the parcel will be landscaped with trees, hedges and a lawn. The estimated cost of these improvements is \$6,000.

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 Grading Permit shall be secured from the Department of Public Works within one year from the effective date of this permit.

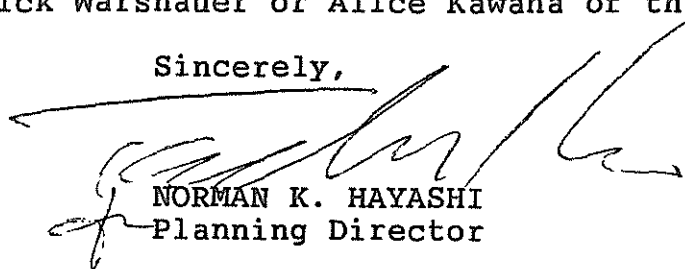
Ms. C. J. Kimberly  
January 22, 1992  
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3. The applicant shall comply with all other applicable laws, rules, regulations, and requirements.
4. An extension of time for the performance of conditions within the permit may be granted by the Planning Director 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).

Should any of the foregoing conditions not be met or substantially complied with in a timely manner, this SMA Minor Use Permit shall be void.

Should you have any questions regarding the above, please do not hesitate to contact Rick Warshauer or Alice Kawaha of this office.

Sincerely,



NORMAN K. HAYASHI  
Planning Director

FRW:smo  
4283D

Enclosures

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

PLANNING DEPARTMENT - PLANNING COMMISSION  
COUNTY OF HAWAII  
Hilo, Hawaii

PERMIT NO. 91-28

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

The Planning Director completed on December 12, 1991, an assessment on the application of C. J. Kimberly 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 placement of fill and to grade a house pad and pool site in preparation for later construction of a single family dwelling and a swimming pool on the subject property. The 19,768 sq. ft. parcel is a portion of Keauhou Bay Lots subdivision, and it lies near the makai end of Kamehameha III Road, along the upper portion of Holua Road, Keauhou 1st, No. Kona, HI, TMK: 7-8-12: 83

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.

Herbert Hayama  
Chief Engineer, DPW

[Signature]  
Planning Director

Attachment

SPECIAL MANAGEMENT AREA MINOR USE PERMIT NO. 91-28

APPLICANT: C.J. KIMBERLY

CONDITIONS

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1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. A Grading Permit shall be secured from the Department of Public Works within one year from the effective date of this permit.
3. The applicant shall comply with all other applicable laws, 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).

Should any of the foregoing conditions not be met or substantially complied with in a timely manner, this SMA Minor Use Permit shall be void.