

## 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

March 4, 1991

Mr. Kirk Soares  
39 Apapawe Street  
Hilo, HI 96720

Dear Mr. Soares:

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 91-4  
Applicant: Kirk Soares  
Tax Map Key: 2-1-11:3

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. 91-4 to allow the grubbing of a portion of a 1.447-acre parcel in Keaukaha Seaside Lots. The parcel runs between Apapane Street and the ocean, just makai of Kalaniana'ole Street, Keaukaha, Waiakea, South Hilo, Hawaii, TMK: 2-1-11: 3.

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 secured from the Department of Public Works within one year from the effective date of this permit.
3. Grubbing of the approved area shall be completed within one year of the date of Grubbing Permit Approval.

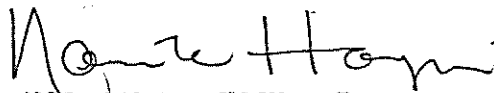
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4. The grubbing must be accomplished in a manner to prevent any grading, filling or redistribution of soil or rocks. All vegetative material grubbed must be removed from the parcel.
5. A transverse line along the makai boundary of the area to be grubbed must be marked clearly with colored flagging and identified to the persons doing the grubbing. The transverse line is defined as running between points 315 feet down the west side lot line and 290 feet down the east side line (from the front corner pins along Apapane Street). This line must also be at least 40 feet mauka of the bank above the embayment/open pond on the makai portion of the parcel to ensure that it will be outside the shoreline setback area.
6. The project is to be carried out exactly as described in this SMA Minor Use Permit and attached Background statement. Any deviations from the described operations will need to receive advance 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.

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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:syw

0869D

Enclosures

cc: Chief Engineer

SMA Section (w/Background & Recommendation)✓

West Hawaii Office (w/Background & Recommendation)

PERMIT NO. 91-4

The Planning Director completed on February 28, 1991, an assessment on the application of KIRK SOARES 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 grubbing of a portion of a 1.447-acre parcel in Keaukaha Seaside Lots. The parcel runs between Apapane Street and the ocean, just makai of Kalanianaʻole Street, Keaukaha, Waiakea, South Hilo, Hawaii, TMK 2-1-11:3

- 1) not in excess of \$65,000; and
- 2) will not significantly affect the SMA.

O. Winkler  
Chief Engineer, DPW

W. H. Long  
Planning Director

6257A-5/84

Special Management Area Minor Use Permit No. 91-4  
KIRK SOARES  
Conditions

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1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. A Grubbing Permit shall be secured from the Department of Public Works within one year from the effective date of this permit.
3. Grubbing of the approved area shall be completed within one year of the date of Grubbing Permit Approval.
4. The grubbing must be accomplished in a manner to prevent any grading, filling or redistribution of soil or rocks. All vegetative material grubbed must be removed from the parcel.
5. A transverse line along the makai boundary of the area to be grubbed must be marked clearly with colored flagging and identified to the persons doing the grubbing. The transverse line is defined as running between points 315 feet down the west side lot line and 290 feet down the east side line (from the front corner pins along Apapane Street). This line must also be at least 40 feet mauka of the bank above the embayment/open pond on the makai portion of the parcel to ensure that it will be outside the shoreline setback area.
6. The project is to be carried out exactly as described in this SMA Minor Use Permit and attached Background statement. Any deviations from the described operations will need to receive advance 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.-