

Planning Department

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

C
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P
Y
CERTIFIED MAIL

March 28, 1991

Mr. Elswood K. Noeau
237-B Komohana Street
Hilo, HI 96720

Dear Mr. Noeau:

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 91-6
Applicant: ELSWOOD K. NOEAU
Tax Map Key: 2-1-21:42 portion

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. 91-6 to allow the grading of a 21,684+ square foot lot for land preparation of a proposed single family residence at the corner of Baker Avenue and a 25-foot Lane in Keaukaha, Waiakea, South Hilo, TMK: 2-1-21:42 portion.

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.
3. All other applicable rules, regulations and requirements shall be complied with.

Mr. Elswood K. Noeau
March 28, 1991
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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 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

1181D

Enclosures

cc: Engineering Division, DPW
Department of Hawaiian Home Lands/Hilo

bcc: SMA Section (w/Background and Recommendation)✓

PLANNING DEPARTMENT - PLANNING COMMISSION
COUNTY OF HAWAII
Hilo, Hawaii

PERMIT NO. 91-6

SPECIAL MANAGEMENT AREA MINOR USE PERMIT

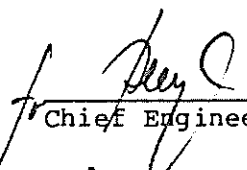
The Planning Director completed on March 27, 19 91, an assessment on the application of ELSWOOD K. NOEAU for a Special Management Area (SMA) Minor Use Permit pursuant to Section 9.7.C., Rule 9 of the Planning Commission Rules Relating to Administrative Procedures, as amended. The permit request is for: to allow the grading of a 21,684+ square foot lot for land preparation of a proposed single family residence at the corner of Baker Avenue and a 25-foot Lane in Keaukaha, Waiakea, South Hilo, TMK: 2-1-21:42 por.

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 MINOR USE PERMIT NO. 91-6
APPLICANT: ELSWOOD K. NOEAU
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.
3. All other applicable rules, regulations and requirements shall be complied with.
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 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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