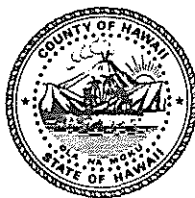


Stephen K. Yamashiro  
Mayor



Virginia Goldstein  
Director

Norman Olesen  
Deputy Director

## County of Hawaii

### PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252  
(808) 961-8288 • Fax (808) 961-9615

#### CERTIFIED MAIL

April 7, 1993

Mr. Daniel J. Lutkenhouse  
248 Kahoa Road  
Hilo, HI 96720

Dear Mr. Lutkenhouse:

SPECIAL MANAGEMENT AREA (SMA) MINOR USE PERMIT NO. 93-5  
Applicant: Daniel J. Lutkenhouse  
Tax Map Key: 2-7-10: 1

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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 SMA Minor Use Permit No. 93-5 to allow the landscaping with trees on portions of the subject parcel which is a 21.59 acre parcel located immediately makai of the Mamalahoa Highway just north of Onomea Bay, South Hilo, Hawaii, TMK: 2-7-10: 1.

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 comply with all other applicable laws, rules, regulations and requirements.
3. Approval from the Board of Land and Natural Resources shall be obtained within one year from the date of this permit. Such approval shall be obtained before initiating any planting within the Conservation District portion of the subject parcel.

4. In lieu of requiring a certified shoreline survey for determining a 40-foot shoreline setback line, a brightly colored continuous stake-and-flag line shall be measured and marked 60 feet mauka of the cliff edge (the break in slope) prior to commencing activities authorized under this permit. No landscaping or land-altering activities are allowed makai of this stakeline, and this area will be outside the area of authorization of this permit. When marked, the Planning Department shall be called to make a field inspection of the flagline. This line shall be left in place until removal authorization is given by this office.
5. This SMA Minor Permit excludes the 40-foot shoreline setback area which exists for 40 feet just mauka of the coastal cliff. Should any planting or clearing activities be contemplated within the 40-foot shoreline setback area, the applicant must first comply with shoreline setback area requirements, in accordance with Planning Commission Rule No. 8, after submitting a Special Management Area Use Permit Assessment Application for these activities.
6. Should any unanticipated archaeological or historic features be encountered or uncovered during the construction activities, work in the affected area shall cease immediately, and the Planning Department and the Historic Preservation Division of the Department of Land and Natural Resources shall be immediately notified. Work shall not resume until clearance has been obtained from the Planning Department in consultation with the Historic Preservation Division.
7. 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).

Mr. Daniel J. Lutkenhouse  
Page 3  
April 7, 1993

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

Sincerely,

  
VIRGINIA GOLDSTEIN  
Planning Director

FRW:mjh  
8651D

Enclosures

xc w/enclosures: Chief Engineer  
Planning Commission  
West Hawaii Office  
SMA Section

PLANNING DEPARTMENT - PLANNING COMMISSION  
COUNTY OF HAWAII  
Hilo, Hawaii

PERMIT NO. 93-5

SPECIAL MANAGEMENT AREA MINOR USE PERMIT


The Planning Director completed on April 8, 1993, an assessment on the application of Mr. Daniel J. Lutkenhouse 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 landscaping with trees on portions of the subject parcel which is a 21.59 acre parcel located immediately makai of the Mamalahoa Highway just north of Onomea Bay, South Hilo, Hawaii, TMK: 2-7-10: 1.

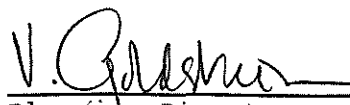
As indicated on the attached report, the Director finds that the proposed development is:

- 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:

SEE ATTACHED CONDITIONS.

  
Chief Engineer, DPW

  
Planning Director

Attachment

1. The applicant, its successors or assigns shall be responsible for complying with all conditions of approval.
2. The applicant shall comply with all other applicable laws, rules, regulations and requirements.
3. Approval from the Board of Land and Natural Resources shall be obtained within one year from the date of this permit. Such approval shall be obtained before initiating any planting within the Conservation District portion of the subject parcel.
4. In lieu of requiring a certified shoreline survey for determining a 40-foot shoreline setback line, a brightly colored continuous stake-and-flag line shall be measured and marked 60 feet mauka of the cliff edge (the break in slope) prior to commencing activities authorized under this permit. No landscaping or land-altering activities are allowed makai of this stakeline, and this area will be outside the area of authorization of this permit. When marked, the Planning Department shall be called to make a field inspection of the flagline. This line shall be left in place until removal authorization is given by this office.
5. This SMA Minor Permit excludes the 40-foot shoreline setback area which exists for 40 feet just mauka of the coastal cliff. Should any planting or clearing activities be contemplated within the 40-foot shoreline setback area, the applicant must first comply with shoreline setback area requirements, in accordance with Planning Commission Rule No. 8, after submitting a Special Management Area Use Permit Assessment Application for these activities.
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