

William P. Kenoi
Mayor



Duane Kanuha
Director

Bobby Command
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

September 15, 2015

Mr. Chad R. Walker
346 Laniwai Ave.
Pearl City, HI 96782

Dear Mr. Walker:

Subject: Special Management Area Use Permit Assessment Application
(SAA 15-001324)
Special Management Area Minor Permit No. 15-000340

Applicant(s): Chad and Jennifer Walker

Land Owner: Jennifer J. Walker

Request: Construction of a Second Single-Family Dwelling and Related Improvements

Tax Map Key: (3) 2-9-002:083, Hakalau, South Hilo, Hawai'i

This letter is in response to the Special Management Area Assessment Application we received on August 11, 2015. The applicant is proposing the construction of a single-family dwelling with garage and in-ground swimming pool on the subject property. This will be the second single-family dwelling on the subject property. On October 9, 2014, our office issued an SMA determination of exemption for the first proposed 2,040 square-foot single-family residence and related improvements. We understand that the building permit has subsequently been issued and construction has progressed.

The property consists of 2.332 acres. The property is zoned Single-Family Residential (RS-7.5) by the County, designated Urban by the State Land Use Commission, and designated Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. In addition, the property is located entirely within the Special Management Area (SMA), however, the project is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.

Special Management Area Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 relating to Special Management Area, the "*Construction or reconstruction of a single-family residence that is less than seven thousand five hundred square feet of floor area and is not part of a larger development*" may be exempt from the definition of "development." While the proposed residence does not exceed 7,500 square feet of floor area, it is the second single-family residence on the subject property and is

Mr. Chad R. Walker
September 15, 2015
Page 2


considered part of a larger development. In addition, according to HRS Chapter 205A-22 and Planning Commission Rule No. 9-4(e) (1) (E), "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is not exempt from the definition of "development." Therefore, the proposed construction of the second single-family dwelling is considered "development" and will require review against the Special Management Area rules and regulations.

The valuation for the project and related improvements is approximately \$475,000. Further, we find that the proposed development will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA.

In view of the above, we have determined that the second single-family dwelling requires a Special Management Area Minor Permit. Therefore, pursuant to Planning Commission Rule Section 9-10(e), Special Management Area Minor Permit No.15-000340, enclosed, is hereby issued for the development described above and further depicted on the Site Plan (Sheet T-1) attached herein. It is the applicant's responsibility to read and comply with the conditions listed in the enclosed permit.

Should you have questions, please feel free to contact Bethany Morrison of this department at (808) 961-8138.

Sincerely,


DUANE KANUHA
Planning Director

BJM:cs

P:\wpwin60\CZM\SMM\2015\SMM 15-340L Walker.doc

Enclosures - SMM No. 15-000340
Site Plan (Sheet T-1)
Site Plan from SAA-13-001064 showing construction barrier
Department of Public Works Memo dated September 4, 2015

cc w/Encls.: Planning Division (via email)

cc ltr only: Mr. Leo Asuncion, Acting Director
Office of Planning, DBEDT
State of Hawaii Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, HI 96804-2359



County of Hawai'i
PLANNING DEPARTMENT

Special Management Area Minor Permit No. 15-000340

Project: Construction of a Second Single-Family Dwelling and Related Improvements
Applicant(s): Chad and Jennifer Walker
Landowner: Jennifer J. Walker
Location: Hakalau, South Hilo, Hawai'i
TMK: (3) 2-9-002:083 **Land Area:** 2.332 acres

Applicant's Request

1. Project Description:

The applicant is proposing the construction of a single-family dwelling with garage and in-ground swimming pool on the subject property. The dwelling will have 3 bedrooms, 4 bathrooms, a 3-car enclosed garage and an in-ground swimming pool. This will be the second single-family dwelling on the subject property.

2. Purpose of Project:

This will be the second single-family dwelling on the subject property. On October 9, 2014, our office issued an SMA determination of exemption for the first proposed 2,040 square-foot single-family residence and related improvements. We understand that the building permit has subsequently been issued and construction has progressed. This also included the installation of the septic system that will serve both residences.

3. Project Valuation: \$475,000.

4. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 relating to Special Management Area, the "*Construction or reconstruction of a single-family residence that is less than seven thousand five hundred square feet of floor area and is not part of a larger development*" may be exempt from the definition of "development." While the proposed residence does not exceed 7,500 square feet of floor area, it is the second single-family residence on the subject property and is considered part of a larger development. In addition, according to HRS Chapter 205A-22 and Planning Commission Rule No. 9-4(e) (1) (E), "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is not exempt from the definition of "development." Therefore, the proposed construction of the second single-family dwelling is considered "development" and will require review against the Special Management Area rules and regulations.

State and County Plans

1. **State Land Use District:** The parcel is located in the State Land Use Urban district.
2. **General Plan:** The parcel is designated as Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcel is zoned Single-Family Residential (RS-7.5) by the County of Hawai'i.
4. **Special Management Area:** The subject property is located entirely within the SMA, but the project area is not located in a "shoreline area" as defined by Section 205A-41, Hawai'i Revised Statutes (HRS).
5. **Flood Zones:** X.

Compliance with Objectives and Policies of Chapter 205A, Hawai'i Revised Statutes (HRS), Regarding the Special Management Area

Check all objectives and policies found to be consistent with proposed development. Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

The proposed development is consistent with the following objectives and policies:

- ☒ Development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawai'i County General Plan and the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, to:
 - ☒ Provide coastal recreational opportunities accessible to the public.
 - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
 - ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
 - ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.
 - ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.
 - ☒ Reduce hazard to life and property from tsunamis, storm waves, stream flooding, erosion, subsidence and pollution.

- ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
- ☒ Stimulate public awareness, education, and participation in coastal management.
- ☒ Protect beaches for public use and recreation.
- ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
 - ☒ Recreational Resources
 - ☒ Historic Resources
 - ☒ Scenic and Open Space Resources
 - ☒ Coastal Ecosystems
 - ☒ Economic Uses
 - ☒ Coastal Hazards
 - ☒ Managing Development
 - ☒ Public Participation
 - ☒ Beach Protection
 - ☒ Marine Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

Findings

1. As discussed above, the proposed development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.
2. The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The estimated project cost of \$475,000 is not in excess of \$500,000.
4. The enclosed Department of Public Works, Engineering Division memorandum dated September 4, 2015, states the following:

"We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated August 25, 2015 and have no objections to the request.

The subject parcel is in an area that is not mapped by the by the Federal Emergency Management Agency (FEMA) and is identified as an area of "minimal tsunami

inundation." The proposed dwelling to be located at an approximate elevation of 111 feet above mean sea level is designated as Zone X (an area determined to be outside the 500-year floodplain). The Federal Government and the County of Hawai'i do not have any regulations for developments within areas of minimal tsunami inundation and Zone X."

5. Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 15-000340** is hereby approved for the construction of the second single-family dwelling and related improvements on the subject parcel subject to the applicant's compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 15-000340**, subject to the following conditions:

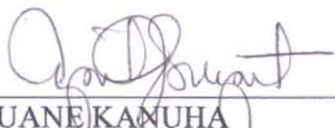
1. The applicant, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. The Building Permit(s) shall be secured within two (2) years from the date of approval of this permit.
4. The applicant shall adhere to the buffer zones established in the Archeological Preservation Plan, approved by the State Historic Preservation Division (SHPD) of the Department of Land and Natural Resources and subsequently recorded with the State of Hawai'i Bureau of Conveyances on April 07, 2015.
5. Along the entire eastern boundary, a construction and silt barrier, meeting with the approval of the Planning Director, shall follow the mauka boundary of the 10-foot archeological preservation buffer zone or be 40 feet from the top of cliff, whichever is a greater distance, prior to any land clearing or other construction activities. (see enclosed map with location in red) After installation, please contact Bethany Morrison at (808) 961-8138 to schedule a site inspection.
6. This construction and silt barrier must be shown and properly noted on the plans submitted with any permits required for any land altering or construction activities. The construction notes on the plans must include the following statement, "the construction and silt barrier must be erected prior to any land altering or construction activities, and must remain in place until final inspection by Department of Public Works."
7. No land altering or construction activities shall occur within 40 feet of the top of cliff.
8. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments,

pavings or walls will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigative measures are taken for the discovery; with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.

9. An extension of time for the performance of the conditions contained herein 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 original reasons for the granting of the permit; and
 - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

If you have questions, please feel free to contact Bethany Morrison of this department at (808) 961-8138.

APPROVED:



DUANE KANUHA
Planning Director

SEP 15 2015

Date

2015 SEP 4 PM 2 02
DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

PLANNING DEPARTMENT
COUNTY OF HAWAII

DATE: September 4, 2015

Memorandum

TO: Duane Kanuha, Planning Director

FROM: *for* Department of Public Works, Engineering Division

SUBJECT: SMA USE PERMIT ASSESSMENT APPLICATION (SAA 15-001324)

Applicants: John & Jennifer Walker

Land Owner: Jennifer Walker

Request: Construction of a Single Family Residence

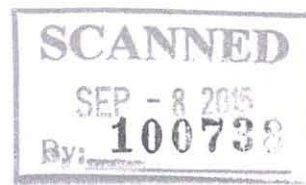
Location: Hakalau, South Hilo, Hawaii

Tax Map Key: (3) 2-9-02: 083

We have reviewed the subject application for compliance with Chapter 27, Floodplain Management, forwarded by your memo dated August 25, 2015 and have no objections to the request.

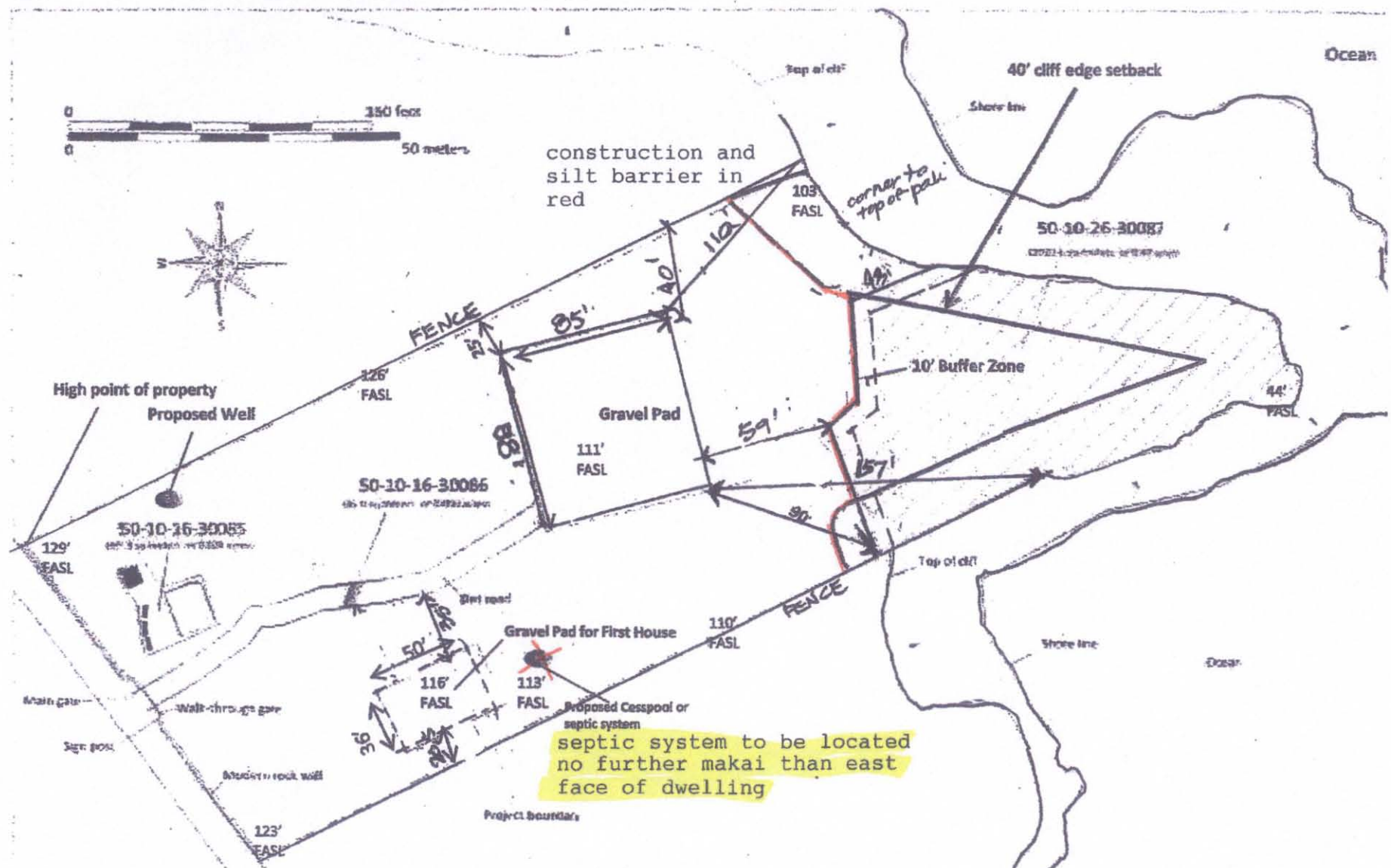
The subject parcel is in an area that is not mapped by the Federal Emergency Management Agency (FEMA) and is identified as an area of "minimal tsunami inundation." The proposed dwelling to be located at an approximate elevation of 111 feet above mean sea level, is designated as Zone X (an area determined to be outside the 500-year floodplain). The Federal Government and the County of Hawaii do not have any regulations for developments within areas of minimal tsunami inundation and Zone X.

Questions may be referred to Kelly Gomes at ext. 8327.

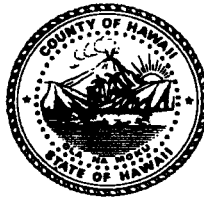


SITE PLAN RECEIVED ON SEPTEMBER 22, 2014

SAA 13-000 1064 Walker



Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

January 19, 2018

Mr. Chad R. Walker
P.O. Box 99
Hakalau, HI 96710

Dear Mr. Walker:

**SUBJECT: Amendment to Special Management Area Minor Permit No. 15-000340
(SMM-15-000340 Amended)**
Applicant(s): Chad and Jennifer Walker
Land Owner: Jennifer J. Walker
**Request: Request to Amend SMM 15-000340 to Allow Photovoltaic
Improvements**
Tax Map Key: (3) 2-9-002:083, Hakalau, South Hilo, Hawai'i

This is sent in response to your letter received on November 28, 2017, requesting to amend Special Management Area Minor Permit No. 15-000340 (SMM 15-000340) to add a photovoltaic structure to service the main house on the property. SMM 15-000340 was approved on September 15, 2015, to allow the construction of a second single-family dwelling and related improvements.

Prior to this, a Special Management Area Assessment application was submitted for a proposed single-family dwelling with an attached garage and storage structure. On October 9, 2014, our office issued an SMA determination of exemption for the first proposed 2,040 square-foot single-family dwelling and related improvements.

After a review of the SMA exemption for the first dwelling and the SMA Minor Permit for the second dwelling, the Planning Department has determined that the appropriate disposition of the exemption and minor permit should be changed. In discussion with the applicants, it was learned that the first dwelling constructed on the property is not the main dwelling of the applicants. They constructed the first dwelling to reside in temporarily until the main dwelling was constructed. As such, the SMA exemption will be applied to the main dwelling, originally approved under SMM 15-000340, which identified the main dwelling as a 3-bedroom/4-bath, 6,412 square foot single-family dwelling. Additionally, the 2,040 square foot single-family dwelling and related improvements, originally considered exempt, will now be covered under SMM 15-000340 (Amended).

JAN 19 2018

The property consists of 2.332 acres. The property is zoned Single-Family Residential (RS-7.5) by the County, designated Urban by the State Land Use Commission, and designated Open by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. In addition, the property is located entirely within the Special Management Area (SMA); however, the project is not located in a "shoreline area" as defined by Hawai'i Revised Statutes (HRS) Chapter 205A-41.

Special Management Area Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 relating to Special Management Area, the "*Construction or reconstruction of a single-family residence that is less than seven thousand five hundred square feet of floor area and is not part of a larger development*" may be exempt from the definition of "development." As stated above, the second dwelling approved under SMM 15-000340 is now considered the first main dwelling, which will be approved under the original SMA exemption determination. Additionally, the proposed photovoltaic structure would be part of the first main dwelling, and is also determined to be exempt from the definition of "development." We find that the proposed development will not have a cumulative impact or a significant adverse environmental or ecological effect on the SMA.

In view of the above, Special Management Area Minor Permit No. 15-000340 is amended, enclosed, and is hereby issued for the original single-family dwelling, which is not the main dwelling of the applicants. It is the applicants' responsibility to read and comply with the conditions listed in the enclosed permit.

Should you have any questions, please feel free to contact Jeff Darrow of this department at (808) 961-8188.

Sincerely,

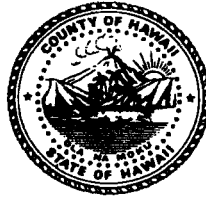

MICHAEL YEE
Planning Director

JWD:ja

\\Coh33\planning\public\wpwin60\CZM\SMM\2015\SMM 15-340L(Amended) Walker.doc

Enclosure: SMM No. 15-000340 (Amended)

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-3563

County of Hawai'i

PLANNING DEPARTMENT

East Hawai'i Office
101 Pauahi Street, Suite 3
Hilo, Hawai'i 96720
Phone (808) 961-8288
Fax (808) 961-8742

Special Management Area Minor Permit No. 15-000340 (Amended)

Project: Construction of a Second Single-Family Dwelling and Related Improvements

Applicant(s): Chad and Jennifer Walker

Landowner: Jennifer J. Walker

Location: Hakalau, South Hilo, Hawai'i

TMK: (3) 2-9-002:083

Land Area: 2.332 acres

Applicant's Request

1. Project Description:

The applicants are currently proposing to add photovoltaic improvements for the second single-family dwelling that was constructed on the property. This dwelling has 3 bedrooms, 4 bathrooms, a 3-car enclosed garage and an in-ground swimming pool. According to the applicants, this is their main dwelling that they reside in, not the dwelling that was constructed originally on the subject property. As such, **SMM 15-000340 will be applied to the original dwelling constructed on the subject property.**

2. Purpose of Project:

On October 9, 2014, our office issued an SMA determination of exemption for the first proposed 2,040 square foot single-family residence and related improvements. As this dwelling was not the applicants' main residence, this SMA Minor Permit is being amended to be applied to the first dwelling approved on October, 9, 2014, and the SMA exemption determination will be applied to the applicants' main dwelling, which was constructed after the original first dwelling.

3. Determination:

According to Hawai'i Revised Statutes (HRS) Chapter 205A-22 relating to Special Management Area, the "*Construction or reconstruction of a single-family residence that is less than seven thousand five hundred square feet of floor area and is not part of a larger development*" may be exempt from the definition of "development." While the proposed residence does not exceed 7,500 square feet of floor area, it is the second single-family residence on the subject property and is considered part of a larger development. In addition, according to HRS Chapter 205A-22 and Planning Commission Rule No. 9-4(e) (1) (E), "*Construction, reconstruction, demolition, or alteration of the size of any structure*" is not

exempt from the definition of “development.” Therefore, the proposed construction of the second single-family dwelling is considered “development” and will require review against the Special Management Area rules and regulations.

State and County Plans

1. **State Land Use District:** The parcel is located in the State Land Use Urban district.
2. **General Plan:** The parcel is designated as Open by the Hawai‘i County General Plan Land Use Pattern Allocation Guide (LUPAG) Map.
3. **County Zoning:** The parcel is zoned Single-Family Residential (RS-7.5) by the County of Hawai‘i.
4. **Special Management Area:** The subject property is located entirely within the SMA, but the project area is not located in a “shoreline area” as defined by Section 205A-41, Hawai‘i Revised Statutes (HRS).
5. **Flood Zones:** X.

Compliance with Objectives and Policies of Chapter 205A, Hawai‘i Revised Statutes (HRS), Regarding the Special Management Area

Check all objectives and policies found to be consistent with proposed development. Issuance of SMA Minor Permit requires that activity be consistent with all objectives & policies.

The proposed development is consistent with the following objectives and policies:

- ☒ Development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effect shall include but not be limited to the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options.
- ☒ The proposed development is consistent with the Hawai‘i County General Plan and the Zoning Code.
- ☒ The proposed development does not conflict with the following objectives of Chapter 205A, HRS, to:
 - ☒ Provide coastal recreational opportunities accessible to the public.
 - ☒ Protect, preserve, and where desirable, restore those natural and man-made historic and pre-historic resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
 - ☒ Protect, preserve, and where desirable, restore or improve the quality of coastal scenic and open space resources.
 - ☒ Protect valuable coastal ecosystems from disruption and minimize adverse impacts on all coastal ecosystems.

- ☒ Provide public or private facilities and improvements important to the State's economy in suitable locations.
- ☒ Reduce hazard to life and property from tsunامي, storm waves, stream flooding, erosion, subsidence and pollution.
 - ☒ Improve the development review process, communication, and public participation in the management of coastal resources and hazards.
 - ☒ Stimulate public awareness, education, and participation in coastal management.
 - ☒ Protect beaches for public use and recreation.
 - ☒ Promote the protection, use, and development of marine and coastal resources to assure their sustainability.
- ☒ The proposed development is consistent with the following policies of Chapter 205A, HRS, relating to:
 - ☒ Recreational Resources
 - ☒ Historic Resources
 - ☒ Scenic and Open Space Resources
 - ☒ Coastal Ecosystems
 - ☒ Economic Uses
 - ☒ Coastal Hazards
 - ☒ Managing Development
 - ☒ Public Participation
 - ☒ Beach Protection
 - ☒ Marine Resources
- ☒ The proposed development conforms to the requirements of Chapter 343, HRS, regarding Environmental Impact Statements.

Findings

1. The proposed development will not have any significant adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest.
2. The proposed development is consistent with the objectives, policies, and SMA guidelines of Chapter 205A, HRS.
3. The project cost is not in excess of \$500,000 and is less than 7,500 square feet in size (2,040 sf).
4. The property is in Flood Zone X (an area determined to be outside the 500-year floodplain),
5. Pursuant to Planning Commission Rule Section 9-10(e), **Special Management Area Minor Permit No. 15-000340 (Amended)** is hereby approved for the construction of the second

single-family dwelling and related improvements on the subject parcel subject to the applicants' compliance with the conditions of approval as specified below.

Conditions of Approval

The Planning Director has approved **SMA Minor Permit No. 15-000340 (Amended)**, subject to the following conditions:

1. The applicants, its successors or assigns shall be responsible for complying with all stated conditions of approval.
2. The applicants shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. The Building Permit(s) shall be secured within two (2) years from the date of approval of this (original) permit.
4. The applicants shall adhere to the buffer zones established in the Archaeological Preservation Plan, approved by the State Historic Preservation Division (SHPD) of the Department of Land and Natural Resources and subsequently recorded with the State of Hawai'i Bureau of Conveyances on April 07, 2015.
5. Along the entire eastern boundary, a construction and silt barrier, meeting with the approval of the Planning Director, shall follow the mauka boundary of the 10-foot archaeological preservation buffer zone or be 40 feet from the top of cliff, whichever is a greater distance, prior to any land clearing or other construction activities. After installation, please contact Jeffrey Darrow at (808) 961-8158 to schedule a site inspection.
6. This construction and silt barrier must be shown and properly noted on the plans submitted with any permits required for any land altering or construction activities. The construction notes on the plans must include the following statement, "the construction and silt barrier must be erected prior to any land altering or construction activities, and must remain in place until final inspection by Department of Public Works."
7. No land altering or construction activities shall occur within 40 feet of the top of cliff.
8. Discovery of any unidentified sites or remains, such as artifacts, shell, bone or charcoal deposits, human burials, rock or coral alignments, pavings or walls will require that all work in the immediate area shall cease. The Planning Director shall be immediately notified. Work may proceed with an archaeological clearance from the Planning Director. The archaeological clearance requires a finding that sufficient mitigative measures are taken for the discovery with written guidance from the State Historic Preservation Division of the Department of Land and Natural Resources.
9. An extension of time for the performance of the conditions contained herein 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 applicants, 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 original reasons for the granting of the permit; and
 - c) The time extension granted shall be for a period of not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended up to one additional year).
10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke the permit.

If you have any questions, please feel free to contact Jeffrey Darrow of this department at (808) 961-8158.

APPROVED:

Michael Yee

MICHAEL YEE
Planning Director

1/18/18

Date