

CERTIFIED MAIL

July 31, 1985

Ms. Chrystal Thomas Yamasaki
Wes Thomas & Associates
75-5722 Kalawa Street
Kailua-Kona, HI 96740

Dear Ms. Yamasaki:

Shoreline Setback Variance Application
Applicant: William Howard
TMK: 6-9-02:4

The Planning Commission at its duly held public hearing on July 24, 1985, voted to approve your application, Shoreline Setback Variance Permit No. 630, to allow the removal of existing trees within the 40-foot shoreline setback area at Lalamilo, South Kohala, Hawaii.

Approval of this request is based on the following:

The petitioner seeks to remove existing coconut palms trees along the shoreline. It is the intent of the applicant to beautify the shoreline area for the homeowner as well as the general public. In addition, it is further intended that relocating the trees will remove the property owners' liability factor from coconut tree droppings. Further, the action will not remove or impose restrictions on existing pedestrian access routes to and along the shoreline area. Therefore, in looking at the proposal, it is determined that the approval of the subject request will be in the public interest.

The action will not interfere with natural shoreline processes since no structural activity is involved. The limited action will beautify and enhance the quality of coastal and scenic open space in the area.

Based on the foregoing, it is determined that the proposed improvements will be consistent with the Shoreline Setback Law pursuant to Chapter 205-31, HRS, and the criteria established in Rule No. 8 of the Planning Commission's Rules and Regulations.

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Approval of this Shoreline Setback Variance request is subject to the following conditions:

1. The petitioners, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. Comply with the conditions of Special Management Area Minor Use Permit No. 85-27.
3. Public access to and along the shoreline area shall not be restricted. A lateral public pedestrian access plan meeting with the approval of the Planning Director shall be filed with the Planning Department and recorded with the Bureau of Conveyances prior to issuance of any building permits for the property.
4. Comply with the requirements of the Department of Public Works.
5. Comply with the regulations of the State Department of Health.
6. Comply with all other applicable rules, regulations and requirements.
7. Should the Planning Department determine that any of the foregoing conditions have not been met or substantially complied with in a timely fashion, the Shoreline Setback Variance Permit shall be void.

Please feel free to contact the Planning Department if there are any questions on this matter.

Sincerely,

Barbara Koi

Barbara Koi, Vice Chairman
Planning Commission

cc: Mr. & Mrs. William Howard
Department of Public Works
Department of Water Supply
County Real Property Tax Division
County of Hawaii, Kona Office

bcc: Plan Approval Section